TITLE 327 WATER POLLUTION CONTROL BOARD

Proposed Rule
LSA Document #06-179

DIGEST

Amends 327 IAC 5-22-1 through 327 IAC 5-22-18 and adds 327 IAC 5-22-7.3, 327 IAC 5-22-7.5, and 327 IAC 5-22-10.5 concerning the classification of wastewater treatment plants and the examination and certification of wastewater treatment operators. Effective 30 days after filing with the Publisher.

HISTORY

First Notice of Comment Period: LSA Document #06-179, July 1, 2006, Indiana Register (29 IR 3432).
Second Notice of Comment Period: September 19, 2007, Indiana Register (DIN: 20070919-IR-327060179SNA).
Notice of Public Hearing: September 19, 2007, Indiana Register (DIN: 20070919-IR-327060179PHA).
Date of First Hearing: November 14, 2007.

PUBLIC COMMENTS UNDER IC 13-14-9-4.5

IC 13-14-9-4.5 states that a board may not adopt a rule under IC 13-14-9 that is substantively different from the draft rule published under IC 13-14-9-4 until the board has conducted a third comment period that is at least 21 days long. Because this proposed rule is not substantively different from the draft rule published on September 19, 2007, DIN: 20070919-IR-327060179SNA, the Indiana Department of Environmental Management (IDEM) is not requesting additional comment on this proposed rule.

SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD

IDEM requested public comment from September 19, 2007, through October 19, 2007, on IDEM's draft rule language regarding amendments to 327 IAC 5-22 concerning the classification of wastewater treatment plants and the examination and certification of wastewater treatment operators. No comments were received during the second comment period.

SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING

On November 14, 2007, the Water Pollution Control Board conducted the first public hearing/board meeting concerning the classification of wastewater treatment plants and the examination and certification of wastewater treatment operators. No comments were made at the first public hearing.

327 IAC 5-22-1; 327 IAC 5-22-2; 327 IAC 5-22-3; 327 IAC 5-22-4; 327 IAC 5-22-5; 327 IAC 5-22-6; 327 IAC 5-22-7; 327 IAC 5-22-7.3; 327 IAC 5-22-7.5; 327 IAC 5-22-8; 327 IAC 5-22-9; 327 IAC 5-22-10; 327 IAC 5-22-10.5; 327 IAC 5-22-11; 327 IAC 5-22-12; 327 IAC 5-22-13; 327 IAC 5-22-14; 327 IAC 5-22-15; 327 IAC 5-22-16; 327 IAC 5-22-17; 327 IAC 5-22-18

SECTION 1. 327 IAC 5-22-1 IS AMENDED TO READ AS FOLLOWS:

327 IAC 5-22-1 Purpose

Authority: IC 13-14-8; IC 13-18-11-13
Affected: IC 13-18-11

Sec. 1. The purpose of this rule is to establish **the following:**
(1) A classification system of wastewater treatment plants. ~~and~~
(2) The criteria by which a person may become a ~~certified~~ wastewater treatment:
(A) apprentice; or
(B) certified operator.
The intended result of this rule is to **facilitate the entry of individuals into the occupation of wastewater treatment through an apprenticeship opportunity and** promote excellence among wastewater treatment operators for the ultimate goal of protecting Indiana waters receiving treated wastewater discharged from wastewater treatment plants.

(Water Pollution Control Board; 327 IAC 5-22-1; filed Nov 20, 2000, 4:07 p.m.: 24 IR 963; readopted filed Aug 17, 2006, 10:31 a.m.: 20060830-IR-327060183BFA)

SECTION 2. 327 IAC 5-22-2 IS AMENDED TO READ AS FOLLOWS:

327 IAC 5-22-2 Applicability

Authority: IC 13-14-8; IC 13-18-11-13
Affected: IC 13-18-11

Sec. 2. ~~The requirements of~~ This rule ~~apply~~ **applies** to:
(1) a ~~person~~ **certified operator** who works at; ~~a wastewater treatment plant in the capacity of~~
(2) a person endeavoring to become a wastewater treatment **apprentice or a certified** operator **at; and**
(3) the owner or governing body of;
a wastewater treatment plant.

(Water Pollution Control Board; 327 IAC 5-22-2; filed Nov 20, 2000, 4:07 p.m.: 24 IR 963; readopted filed Aug 17, 2006, 10:31 a.m.: 20060830-IR-327060183BFA)

SECTION 3. 327 IAC 5-22-3 IS AMENDED TO READ AS FOLLOWS:

327 IAC 5-22-3 Definitions

Authority: IC 13-14-8; IC 13-18-11-13
Affected: IC 13-11-2-258; IC 13-18-11

Sec. 3. ~~In addition to~~ The definitions ~~contained~~ in IC 13-11-2 and 327 IAC 1 **and** the following definitions apply throughout this rule:
(1) "Acceptable experience" means employment in the actual hands-on operation, **maintenance, management, or supervision** of a wastewater treatment plant. **Acceptable** experience ~~in wastewater treatment plant maintenance will be given fifty percent (50%) credit for operational~~ **shall be obtained under the supervision of a certified operator or by otherwise demonstrating to the commissioner that the applicant's** experience ~~for those employed solely~~ **meets the requirements described** in this ~~area. Experience in wastewater laboratory will be given full credit for operational experience for those employed solely in this area.~~ **rule.**
(2) "Applicant" means a:
(A) person seeking:
(i) classification as a wastewater treatment apprentice; or
(ii) certification as a wastewater treatment operator;
whether or not the person is currently employed ~~as an operator~~ **at a wastewater treatment plant; or**
(B) training course provider seeking course approval.
(3) "Application" means a written request ~~for certification~~ **submitted to the commissioner** under this rule ~~addressed to the commissioner.~~ **asking for:**
(A) classification as a wastewater treatment apprentice;
(B) certification as a wastewater treatment operator; or
(C) training course approval.
(4) "Certificate" means an appropriate document containing the following information:
(A) Affirmation that the named person has fulfilled the requirements ~~including receiving a passing examination grade, necessary~~ for ~~the operation of the wastewater treatment plant or collection system for which application was made.~~ **certification as contained in this rule.**
(B) The ~~treatment plant~~ classification ~~that may be operated under~~ **of** the ~~issued certificate.~~ **wastewater treatment certified operator.**
(C) The date of issuance.
(D) An identification number unique to each certificate. ~~document.~~
(5) "Certification card" means a card issued to a person who has fulfilled the requirements to be a wastewater **treatment** certified operator and contains the following information:
(A) The name and certificate number of the person.
(B) The classification of **the** wastewater treatment ~~plant that the named person may operate.~~ **certified operator.**
(C) An expiration date.
(6) "Certified operator" means a person who: ~~has:~~

(A) **has** met the requirements of this rule; and
(B) **holds** a ~~valid~~ **current** certificate **and certification card** for wastewater treatment.
(7) "Commissioner" means the commissioner of the department of environmental management.
~~(7)~~ **(8)** "Contact hour" means a fifty (50) to sixty (60) minute instructional session:
(A) approved by the commissioner; and
(B) involving a qualified instructor or lecturer.
Ten (10) contact hours equals one (1) continuing education unit (CEU).
~~(8)~~ **(9)** "Design population equivalent" means the PE for which the plant is designed.
~~(9)~~ **(10)** "Population equivalent" or "PE" means the calculated population that would contribute the same amount of biochemical oxygen demand (BOD) per day using the base of seventeen-hundredths (0.17) pound of five (5) day BOD per capita per day.
~~(10)~~ **(11)** "Responsible charge **operator"** means the ~~person responsible for~~ **wastewater treatment certified operator who makes process control or system integrity decisions about** the overall daily operation, **maintenance, m**anagement, **or** supervision ~~or management~~ of a ~~water or~~ wastewater ~~facility. In Class III, IV, C, or D plants,~~ **treatment plant necessary to meet** the ~~individual supervising~~ **performance requirements** and ~~responsible for a major section~~ **limits** of the ~~plant~~ **assigned permit and any applicable local ordinance** or ~~an operating shift may be credited with~~ **other regulatory requirements. The** responsible charge ~~experience.~~ **operator must assure that written and electronic monitoring reports are prepared under his or her direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. The responsible charge operator certifies that, based on his or her inquiry of the persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of the knowledge and belief of the responsible charge operator, true, accurate, and complete.**
(12) "Training course" means a continuing education course that, as determined by the commissioner, deals with one (1) or more of the following:
(A) Technical matters related directly to wastewater treatment.
(B) General matters related to the responsibilities of a wastewater treatment certified operator.
~~(11)~~ **(13)** "Training provider" means a person or organization that conducts or presents a course training session approved under this rule.
(14) "Wastewater treatment apprentice" means a person who has successfully passed the commissioner's wastewater treatment operator's certification examination but has not fulfilled either the educational or experience requirements, or both, necessary to qualify to be a certified operator. A wastewater treatment apprentice shall not be designated as the certified operator in responsible charge of a wastewater treatment plant.
(15) "Wastewater treatment plant" means the system of treatment works, regulatory devices, equipment, and other facilities and appurtenances installed to treat sewage, industrial wastes, and other wastes delivered by a system of sewers and other related facilities, whether owned or operated by the state, a municipality, or a person, firm, or corporation. The term does not include septic tank disposal systems. This is the definition found in IC 13-11-2-258.

(Water Pollution Control Board; 327 IAC 5-22-3; filed Nov 20, 2000, 4:07 p.m.: 24 IR 963; readopted filed Aug 17, 2006, 10:31 a.m.: 20060830-IR-327060183BFA)

SECTION 4. 327 IAC 5-22-4 IS AMENDED TO READ AS FOLLOWS:

327 IAC 5-22-4 Classification of wastewater treatment plants; nonindustrial treatment plants

Authority: IC 13-14-8; IC 13-18-11-2; IC 13-18-11-13
Affected: IC 13-18-11

Sec. 4. A nonindustrial wastewater treatment plant shall be classified into one (1) of five (5) classifications based on the design population equivalent of the plant according to the following:
(1) Class I-SP includes all waste stabilization ponds, whether controlled discharge or continuous discharge, regardless of flow.
(2) Class I includes **wastewater treatment** plants having a design population equivalent of less than two thousand (2,000).
(3) Class II includes **wastewater treatment** plants having a design population equivalent:
(A) equal to or greater than two thousand (2,000); and
(B) less than ten thousand (10,000).
(4) Class III includes **wastewater treatment** plants having a design population equivalent:

(A) equal to or greater than ten thousand (10,000); and
(B) less than **or equal to** forty thousand (40,000).

(5) Class IV includes **wastewater treatment** plants having a design population equivalent greater than forty thousand (40,000).

(Water Pollution Control Board; 327 IAC 5-22-4; filed Nov 20, 2000, 4:07 p.m.: 24 IR 964; readopted filed Aug 17, 2006, 10:31 a.m.: 20060830-IR-327060183BFA)

SECTION 5. 327 IAC 5-22-5 IS AMENDED TO READ AS FOLLOWS:

327 IAC 5-22-5 Classification of wastewater treatment plants; industrial treatment plants

Authority: IC 13-14-8; IC 13-18-11-2; IC 13-18-11-13
Affected: IC 13-18-11

Sec. 5. (a) An industrial wastewater treatment plant shall be classified into one (1) of five (5) classifications based on the type of treatment provided, design population equivalent, and the average daily flow according to the following:

(1) Class A-SO includes ~~industrial~~ **wastewater** treatment plants having **one (1) or more of** the following:
(A) Primary solids removal facilities, such as:
(i) settling tanks;
(ii) settling ponds;
(iii) sand filters; or
(iv) screens;
used only for removal of settleable inorganic solids.
(B) Tanks, ponds, centrifuges, or other facilities used to separate floatable oils and solids.
(C) ~~Simple~~ pH ~~neutralization may be included.~~ **adjustment.**
Wastewater flow is not a limiting factor in the **Class A-SO** classification of ~~this type of~~ industrial **wastewater** treatment plant.

(2) Class A includes ~~industrial~~ **wastewater** treatment plants having **one (1) or more of** the following:
(A) Secondary treatment facilities **that treat wastewater loads of less than two thousand (2,000) design population equivalent,** such as:
(i) waste stabilization ponds whether anaerobic or aerobic;
(ii) trickling filter;
(iii) activated sludge-type treatment plants;
(iv) aerated lagoons; or
(v) other biological treatment facilities. ~~that treat wastewater loads of less than two thousand (2,000) design population equivalent.~~
(B) Spray, broad, or ridge and furrow irrigation facilities that treat a wastewater flow of less than two hundred thousand (200,000) gallons per day.

(3) Class B includes ~~industrial~~ **wastewater** treatment plants having **one (1) or more of** the following:
(A) Secondary treatment facilities **that treat wastewater loads equal to or greater than two thousand (2,000) design population equivalent and less than ten thousand (10,000) design population equivalent,** such as:
(i) waste stabilization ponds whether anaerobic or aerobic;
(ii) trickling filter;
(iii) activated sludge-type treatment plants;
(iv) aerated lagoons; or
(v) other biological treatment facilities. ~~that treat wastewater loads equal to or greater than two thousand (2,000) design population equivalent and less than ten thousand (10,000) design population equivalent.~~
(B) Spray, broad, or ridge and furrow irrigation facilities that treat a wastewater flow equal to or greater than two hundred thousand (200,000) gallons per day and less than one million (1,000,000) gallons per day.
(C) Chemical treatment facilities that process or treat wastewater flow of less than fifty thousand (50,000) gallons per day using one (1) of the following methods:
(i) Cyanide destruction.
(ii) Chromium reduction.
~~(iii) Acid or alkali neutralization.~~
~~(iv)~~ **(iii)** Coagulation and flocculation.
~~(v)~~ **(iv)** Air flotation.
~~(vi)~~ **(v)** Air stripping.

~~(vii)~~ **(vi)** Wet air oxidation.
~~(viii) Ion exchange.~~
~~(ix) Ultrafiltration.~~
~~(x) Reverse osmosis.~~
~~(xi)~~ **(vii)** Activated carbon filtration.
(viii) Membrane filtration.
(ix) Steam stripping.

(4) Class C includes ~~industrial~~ **wastewater** treatment plants having **one (1) or more of** the following:

(A) Secondary treatment facilities **that treat wastewater loads equal to or greater than ten thousand (10,000) design population equivalent and less than forty thousand (40,000) design population equivalent,** such as:

(i) waste stabilization ponds whether anaerobic or aerobic;
(ii) trickling filter;
(iii) activated sludge-type treatment plants;
(iv) aerated lagoons; or
(v) other biological treatment facilities. ~~that treat wastewater loads equal to or greater than ten thousand (10,000) design population equivalent and less than forty thousand (40,000) design population equivalent.~~

(B) Spray, broad, or ridge and furrow irrigation facilities that treat a wastewater flow equal to or greater than one million (1,000,000) gallons per day and less than four million (4,000,000) gallons per day.

(C) Chemical treatment facilities that process or treat wastewater flow equal to or greater than fifty thousand (50,000) gallons per day and less than two hundred thousand (200,000) gallons per day using one (1) of the following methods:

(i) Cyanide destruction.
(ii) Chromium reduction.
~~(iii) Acid or alkali neutralization.~~
~~(iv)~~ **(iii)** Coagulation and flocculation.
~~(v)~~ **(iv)** Air flotation.
~~(vi)~~ **(v)** Air stripping.
~~(vii)~~ **(vi)** Wet air oxidation.
~~(viii) Ion exchange.~~
~~(ix) Ultrafiltration.~~
~~(x) Reverse osmosis.~~
~~(xi)~~ **(vii)** Activated carbon filtration.
(viii) Membrane filtration.
(ix) Steam stripping.

(5) Class D includes ~~industrial~~ **wastewater** treatment plants having **one (1) or more of** the following:

(A) Secondary treatment facilities **that treat wastewater loads equal to or greater than forty thousand (40,000) design population equivalent,** such as:

(i) waste stabilization ponds whether anaerobic or aerobic;
(ii) trickling filter;
(iii) activated sludge-type treatment plants;
(iv) aerated lagoons; or
(v) other biological treatment facilities. ~~that treat wastewater loads equal to or greater than forty thousand (40,000) design population equivalent.~~

(B) Chemical treatment facilities that process or treat a wastewater flow equal to or greater than two hundred thousand (200,000) gallons per day using one (1) of the following methods:

(i) Cyanide destruction.
(ii) Chromium reduction.
~~(iii) Acid or alkali neutralization.~~
~~(iv)~~ **(iii)** Coagulation and flocculation.
~~(v)~~ **(iv)** Air flotation.
~~(vi)~~ **(v)** Air stripping.
~~(vii)~~ **(vi)** Wet air oxidation.
~~(viii) Ion exchange.~~
~~(ix) Ultrafiltration.~~
~~(x) Reverse osmosis.~~
~~(xi)~~ **(vii)** Activated carbon filtration.
(viii) Membrane filtration.
(ix) Steam stripping.

(C) Deep well disposal systems, thermal evaporators, or incinerators used in conjunction with liquid waste disposal.

(D) Two (2) or more **industrial** wastewater treatment plants at one (1) industrial site if each independent **industrial** wastewater treatment plant is classified as a Class B or C wastewater treatment plant.
(E) An industry utilizing a highly complex wastewater treatment method.

(b) If an industrial wastewater treatment plant has more than one (1) treatment process despite having only one (1) wastewater treatment plant, that industrial wastewater treatment plant shall be classified into the classification of the most complex component of wastewater treatment performed in relation to the following factors:
(1) Secondary treatment PE.
(2) Spray irrigation volume.
(3) Chemical treatment volume.

(Water Pollution Control Board; 327 IAC 5-22-5; filed Nov 20, 2000, 4:07 p.m.: 24 IR 964; readopted filed Aug 17, 2006, 10:31 a.m.: 20060830-IR-327060183BFA)

SECTION 6. 327 IAC 5-22-6 IS AMENDED TO READ AS FOLLOWS:

327 IAC 5-22-6 Classification of wastewater treatment plants; reclassification

Authority: IC 13-14-8; IC 13-18-11-2; IC 13-18-11-13
Affected: IC 13-18-11

Sec. 6. (a) A wastewater treatment plant may be reclassified by the commissioner if a change occurs to the wastewater treatment plant's operation, treatment process, or influent wastewater. The commissioner shall do the following:
(1) Consider reclassification of a wastewater treatment plant based upon information supplied by the governing body or owner in a construction permit application for modification.
(2) Give written notice of a reclassification to the governing body or owner and to the ~~certified operator in~~ responsible charge **operator** indicating the following:
(A) The classification of certified operator that is necessary to supervise the reclassified wastewater treatment plant.
(B) A date by which time a certified operator required according to clause (A) must be in responsible charge of the reclassified wastewater treatment plant.

(b) A wastewater treatment plant may be reclassified by the commissioner if one (1) of the following situations exists:
(1) The wastewater treatment plant utilizes special or complex equipment or features of design requiring more difficult operation.
(2) The wastewater is unusually difficult to treat.
(3) More than ordinary chemical or bacteriological controls are required.
(4) An unusually high degree of skill is required in the operation of the wastewater treatment plant to assure continuous production of effluent that meets the water quality requirements of the receiving stream and the national pollutant discharge elimination system (NPDES) permit limitations.

(Water Pollution Control Board; 327 IAC 5-22-6; filed Nov 20, 2000, 4:07 p.m.: 24 IR 965; readopted filed Aug 17, 2006, 10:31 a.m.: 20060830-IR-327060183BFA)

SECTION 7. 327 IAC 5-22-7 IS AMENDED TO READ AS FOLLOWS:

327 IAC 5-22-7 Qualifications to become a wastewater treatment apprentice or certified operator

Authority: IC 13-14-8; IC 13-18-11-13
Affected: IC 13-18-11

Sec. 7. ~~(a) In order to become a wastewater treatment plant certified operator, a person must:~~
~~(1) meet the minimum qualifications specified in subsection (b); and~~
~~(2) pass the wastewater treatment certification examination required by the commissioner unless exempted by statute or rule.~~

~~(b) Prior to~~ **(a) Before** applying ~~to take~~ **for** the commissioner's wastewater treatment certification examination, a person must have the ~~following qualifications: (1) The~~ educational skills necessary to **do the following:**

~~(A) cipher fractions and decimals;~~
~~(B) read a linear scale;~~
(1) Make computations.
~~(C)~~ **(2)** Calculate volumes. ~~of simple shapes;~~
~~(D) make simple computations of multiplication and division;~~
~~(E)~~ **(3)** Keep records.
~~(F)~~ **(4)** Read and write the English language to the extent of interpreting service manuals and work orders and submitting written reports. ~~and~~
~~(G) understand basic principles of science and sanitation.~~

(b) A person may take the commissioner's wastewater treatment certification examination before obtaining the educational and experience requirements specified in section 7.3 of this rule. In order to become classified as a wastewater treatment apprentice, a person must pass the wastewater treatment certification examination required by the commissioner.

(c) In order to become a wastewater treatment certified operator, a person must:
(1) pass the wastewater treatment certification examination required by the commissioner unless exempted by statute or rule;
(2) have the formal education specified in section 7.3 of this rule; and
(3) have the experience **that is specified in section 7.3 of this rule and** acceptable to the commissioner in the field of wastewater treatment that:
(A) demonstrates the ~~examination~~ applicant's technical knowledge;
(B) can be verified based on information from available sources, primarily the applicant's wastewater treatment plant employer; and
(C) is the result of satisfactory accomplishment of wastewater treatment plant work. ~~measured from the date of employment of the applicant to the end of the thirty (30) day grading period following the examination.~~

~~(c)~~ **(d)** In accordance with 327 IAC 8-12-3.2(e), a grade WT3, WT4, and WT5 operator ~~is qualified~~ **shall be considered to have met the educational and experience requirements necessary** to apply for the appropriate wastewater treatment certification to treat wastewater from a water treatment plant provided the operator is certified to operate that classification of water treatment plant.

(Water Pollution Control Board; 327 IAC 5-22-7; filed Nov 20, 2000, 4:07 p.m.: 24 IR 965; readopted filed Aug 17, 2006, 10:31 a.m.: 20060830-IR-327060183BFA)

SECTION 8. 327 IAC 5-22-7.3 IS ADDED TO READ AS FOLLOWS:

327 IAC 5-22-7.3 Educational and experience requirements necessary for a certified operator

Authority: IC 13-14-8; IC 13-18-11-3; IC 13-18-11-13
Affected: IC 13-18-11

Sec 7.3. Educational and experience requirements necessary to become a certified operator in each of the classes of wastewater treatment plants are as follows:
(1) Class I-SP and Class A-SO certified operator applicants must have attained the following:
(A) A high school diploma or equivalent education.
(B) Six (6) months of acceptable experience in a wastewater treatment plant.
(2) Class I and Class A certified operator applicants must have attained the following:
(A) A high school diploma or equivalent education.
(B) One (1) year of acceptable experience at a wastewater treatment plant.
(3) Class II and Class B certified operator applicants must have attained the following:
(A) A high school diploma or equivalent education.
(B) Three (3) years of acceptable experience at a wastewater treatment plant.
(4) Class III and Class C certified operator applicants must have attained the following:
(A) A high school diploma or equivalent education.

(B) Three (3) years of acceptable experience at a wastewater treatment plant of one (1) or more of the following classes:
(i) Class II.
(ii) Class III.
(iii) Class IV.
(iv) Class B.
(v) Class C.
(vi) Class D.
(C) Two (2) years of the three (3) years experience required by clause (B) must be in a position of responsible charge operator at a wastewater treatment plant of one (1) or more of the following classes:
(i) Class II.
(ii) Class III.
(iii) Class IV.
(iv) Class B.
(v) Class C.
(vi) Class D.
In Class III and Class C plants, the individual supervising and responsible for a major section of the plant or an operating shift may be credited with experience as responsible charge operator for the purpose of applying to take the certification examination.
(5) Class IV and Class D certified operator applicants must have attained the following:
(A) One (1) or more of the following educational degrees:
(1) A bachelor's degree with a major in an engineering, chemistry, or biological science curriculum.
(2) An associate's degree in a curriculum related to wastewater treatment.
(B) Five (5) years of acceptable experience at a wastewater treatment plant of one (1) or more of the following classes:
(i) Class III.
(ii) Class IV.
(iii) Class C.
(iv) Class D.
(C) Two (2) years of the five (5) years experience required by clause (B) must be in a position of responsible charge operator at a wastewater treatment plant of one (1) or more of the following classes:
(i) Class III.
(ii) Class IV.
(iii) Class C.
(iv) Class D.
In Class IV and Class D plants, the individual supervising and responsible for a major section of the plant or an operating shift may be credited with experience as responsible charge operator for the purpose of applying to take the certification examination.

(Water Pollution Control Board; 327 IAC 5-22-7.3)

SECTION 9. 327 IAC 5-22-7.5 IS ADDED TO READ AS FOLLOWS:

327 IAC 5-22-7.5 Application of a wastewater treatment apprentice to become a certified wastewater treatment operator

Authority: IC 13-14-8; IC 13-18-11-3; IC 13-18-11-13
Affected: IC 13-18-11

Sec. 7.5. (a) A wastewater treatment apprentice shall fulfill the following requirements in order to become a wastewater treatment certified operator:
(1) Meet the educational and experience requirements in section 7.3 of this rule that are applicable to the class of wastewater treatment certified operator the wastewater treatment apprentice is applying to become.
(2) Fulfill the continuing education credit requirement in section 15(b) of this rule.
(3) Complete a certification application on a form approved by the commissioner that:
(A) contains true and accurate information to the best of the wastewater treatment apprentice's knowledge; and

(B) is free of omissions and misrepresentations, either of which may result in rejection of the application or revocation of any certificate previously granted.

(4) Submit a completed certification application, with the necessary fee, to the commissioner not later than six (6) years after the date of successfully completing the wastewater treatment certification examination.

If a wastewater treatment apprentice does not fulfill the requirements of this subsection and receive certification as a wastewater treatment operator, then the person must retake the commissioner's wastewater treatment certification examination in order to apply for the wastewater treatment operator certification under this section.

(b) The commissioner shall do the following:

(1) Review a certification application and supporting documents and make a decision concerning the eligibility of a wastewater treatment apprentice for wastewater treatment operator certification.

(2) Issue a wastewater treatment operator certificate designating competency in the appropriate wastewater treatment classification to each wastewater treatment apprentice who:

(A) makes complete and timely application;

(B) meets the necessary requirements of education, experience, and continuing education; and

(C) has successfully completed a wastewater treatment class appropriate examination.

(Water Pollution Control Board; 327 IAC 5-22-7.5)

SECTION 10. 327 IAC 5-22-8 IS AMENDED TO READ AS FOLLOWS:

327 IAC 5-22-8 Certified operator classification eligible to operate class or classes of wastewater treatment plants

Authority: IC 13-14-8; IC 13-18-11-3; IC 13-18-11-13
Affected: IC 13-18-11

Sec. 8. A wastewater treatment certified operator may possess a ~~valid~~ **current** certification in one (1) or more of the ~~following eleven (11)~~ **ten (10)** classes of certified operators **and may operate classifications of wastewater treatment plants as follows:**

(1) **A** Class ~~operator-in-training (O.I.T.)~~ **I-SP certified operator** is **certified to operate** a Class ~~for both industrial and nonindustrial~~ **I-SP** wastewater treatment plant. ~~operators to whom a certificate shall be issued for a nonrenewable, one (1) year period. In order to be an eligible examination applicant for this operator class, a person must have attained the following:~~

~~(A) A high school diploma or equivalent education.~~

~~(B) Three (3) months of acceptable experience in a wastewater treatment plant or completion of an approved training course.~~

(2) **A** Class A-SO **certified operator** is ~~a class for industrial wastewater treatment plant operators of~~ **certified to operate a** Class A-SO wastewater treatment ~~plants. In order to be an eligible examination applicant for this operator class, a person must have attained the following:~~

~~(A) Completion of high school or equivalent education.~~

~~(B) One (1) year of acceptable experience in a wastewater treatment~~ plant.

(3) **A** Class I ~~and~~ **certified operator is certified to operate:**

(A) Class I-SP; ~~are classes for nonindustrial~~

(B) Class I;

(C) Class A-SO; and

(D) Class A;

wastewater treatment ~~plant operators and~~ **plants.**

(4) A Class A **certified operator** is ~~a~~ **certified to operate:**

(A) Class ~~for industrial~~ **A-SO; and**

(B) Class A;

wastewater treatment ~~plant operators. In order to be an eligible examination applicant for these operator classes, a person must have attained the following:~~ **plants.**

~~(A) A high school diploma or equivalent education.~~

~~(B) One (1) year of acceptable experience at a wastewater treatment plant.~~

~~(4)~~ **(5) A** Class II **certified operator** is ~~a~~ **certified to operate:**

(A) Class ~~for nonindustrial~~ **A-SO;**

(B) Class A;
(C) Class I-SP;
(D) Class I; and
(E) Class II;

wastewater treatment ~~plant operators, and~~ **plants.**

(6) A Class B **certified operator** is ~~a~~ **certified to operate:**

(A) Class ~~for industrial~~ **A-SO;**
(B) Class A; and
(C) Class B;

wastewater treatment ~~plant operators. In order to be an eligible examination applicant for these operator classes, a person must have attained the following:~~ **plants.**

~~(A) A high school diploma or equivalent education.~~
~~(B) Three (3) years of acceptable experience at a wastewater treatment plant.~~

~~(5)~~ **(7) A** Class III **certified operator** is ~~a~~ **certified to operate:**

(A) Class ~~for nonindustrial~~ **A-SO;**
(B) Class A;
(C) Class I-SP;
(D) Class I;
(E) Class II; and
(F) Class III;

wastewater treatment ~~plant operators, and~~ **plants.**

(8) A Class C **certified operator** is ~~a~~ **certified to operate:**

(A) Class ~~for industrial~~ **A-SO;**
(B) Class A;
(C) Class B; and
(D) Class C;

wastewater treatment ~~plant operators. In order to be an eligible examination applicant for these operator classes, a person must have attained the following:~~ **plants.**

~~(A) A high school diploma or equivalent education.~~
~~(B) Three (3) years of acceptable experience at a wastewater treatment plant of one (1) of the following types:~~
~~(i) Class II.~~
~~(ii) Class III.~~
~~(iii) Class IV.~~
~~(iv) Class B.~~
~~(v) Class C.~~
~~(vi) Class D.~~
~~(C) Two (2) years of the three (3) years experience required by clause (B) must be in a position of responsible charge at a wastewater treatment plant of one (1) of the following types:~~
~~(i) Class II.~~
~~(ii) Class III.~~
~~(iii) Class IV.~~
~~(iv) Class B.~~
~~(v) Class C.~~
~~(vi) Class D.~~

~~(6)~~ **(9) A** Class IV **certified operator** is ~~a~~ **certified to operate:**

(A) Class ~~for nonindustrial~~ **A-SO;**
(B) Class A;
(C) Class I-SP;
(D) Class I;
(E) Class II;
(F) Class III; and
(G) Class IV;

wastewater treatment ~~plant operators, and~~ **plants.**

(10) A Class D **certified operator** is ~~a~~ **certified to operate:**

(A) Class ~~for industrial~~ **A-SO;**
(B) Class A;
(C) Class B;
(D) Class C; and
(E) Class D;

wastewater treatment ~~plant operators. In order to be an eligible examination applicant for these operator~~

~~classes, a person must have attained the following:~~ **plants.**

~~(A) A college degree with a major in a science curriculum or an associate's degree in a curriculum related to wastewater treatment.~~

~~(B) At least five (5) years of acceptable experience at a wastewater treatment plant of one (1) of the following types:~~

~~(i) Class III.~~

~~(ii) Class IV.~~

~~(iii) Class C.~~

~~(iv) Class D.~~

~~(C) Two (2) years of the five (5) years experience required by clause (B) must be in a position of responsible charge at a wastewater treatment plant of one (1) of the following types:~~

~~(i) Class III.~~

~~(ii) Class IV.~~

~~(iii) Class C.~~

~~(iv) Class D.~~

(Water Pollution Control Board; 327 IAC 5-22-8; filed Nov 20, 2000, 4:07 p.m.: 24 IR 966; readopted filed Aug 17, 2006, 10:31 a.m.: 20060830-IR-327060183BFA)

SECTION 11. 327 IAC 5-22-9 IS AMENDED TO READ AS FOLLOWS:

327 IAC 5-22-9 Substitution of qualifications

Authority: IC 13-14-8; IC 13-18-11-13
Affected: IC 13-18-11

Sec. 9. **Certification** education and experience qualifications required by ~~section 8~~ **section 7.3** of this rule may be fulfilled through substitutions based on the following table:

Class	Education	Total Required	~~Substitutable~~ **Substitution of Education for Acceptable Experience**	Substitution of **Acceptable** Experience for Responsible Charge **Experience**	Substitution of **Acceptable** Experience for Education
		Acceptable Experience			
~~O.I.T.~~	~~High school diploma or G.E.D.~~	~~3 months~~	~~3 months See Note (4)~~	~~——~~	~~See Note (2)~~
A-SO ~~A, I,~~ and I-SP	High school diploma or ~~G.E.D.~~ **equivalent.**	~~1 year~~ **6 months**	0	——	See Note (2)
A and I	**High school diploma or equivalent.**	**1 year**	**0**	——	**See Note (2)**
B and II	High school diploma or ~~G.E.D.~~ **equivalent.**	3 years	1 year See Note (1)	——	See Note (2)
C and III	High school diploma or ~~G.E.D.~~ **equivalent.**	3 years at Class B, II, or higher ~~and~~ **of which** 2 years **in** responsible charge	1 year See Note (1)	See Note ~~(5)~~ **(2)**	See Note (2)
D and IV	College degree **or equivalent.** See Note ~~(3)~~ **(1)**	5 years at Class C, III, or higher ~~and~~ **of which** 2 years **in** responsible charge	2 years See Note (1)	See Note ~~(5)~~ **(2)**	See Note (2)

Note (1): **Substitution of education for acceptable experience (AE): One (1) college semester equals** sixteen (16) ~~semester~~ **college credit** hours, **two hundred forty (240) contact hours,** twenty-four (24) ~~credit hours, or twenty-four (24)~~ continuing education units ~~equals~~ **(CEUs),** one (1) year of **acceptable** experience **(AE), or six (6) months of responsible charge experience (RCE). One (1) year of college equals thirty-two (32) college credit hours, four hundred eighty (480) contact hours, forty-eight (48) CEUs, two (2) years of AE, or one (1) year of RCE.** There is no substitution of education for responsible charge experience. The portion of education that is applied toward substitution for experience cannot be used for the education requirement.

Note (2): **AE, RCE, and educational experience are interchangeable at the following ratios:** One (1) year of ~~experience~~ **AE** equals two (2) years of high school, ~~or~~ six (6) months of college, ~~One (1) year of responsible charge experience equals one (1) year of college.~~ **or six (6) months RCE.** The portion of experience that is applied toward substitution for education cannot be used for the experience requirement.

~~Note (3): One (1) year of college equals thirty-two (32) semester hours, forty-eight (48) credit hours, or four~~

~~hundred eighty (480) contact hours.~~

~~Note (4): Three (3) months of experience may be substituted with the completion of a comprehensive course in wastewater treatment approved by the commissioner.~~

~~Note (5): Operational, responsible charge, and educational experience are interchangeable at the following ratios: Two (2) years of operational experience equals one (1) year of responsible charge experience. Two (2) years of operational experience equals one (1) year of college education or two (2) years of high school education. One (1) year of responsible charge experience equals one (1) year of college education or two (2) years of high school education. The portion of experience that is interchanged for another may not be used to satisfy any remaining experience requirement.~~

(Water Pollution Control Board; 327 IAC 5-22-9; filed Nov 20, 2000, 4:07 p.m.: 24 IR 967; readopted filed Aug 17, 2006, 10:31 a.m.: 20060830-IR-327060183BFA)

SECTION 12. 327 IAC 5-22-10 IS AMENDED TO READ AS FOLLOWS:

327 IAC 5-22-10 Responsibilities of owner or governing body of a wastewater treatment plant

Authority: IC 13-14-8; IC 13-18-11-13
Affected: IC 13-18-11

Sec. 10. ~~(a)~~ The owner or governing body of a wastewater treatment plant shall **be responsible for accomplishing the following:**

(1) Provide adequate funding and oversight to ensure the proper:
(A) operation;
(B) maintenance;
(C) management; and
(D) supervision;
of the designated facilities.

(2) Place each wastewater treatment plant under the direct supervision of one (1) certified operator to be in responsible charge who:
(A) holds a current certification of a classification eligible for operation at the classification of wastewater treatment plant;
(B) makes process control or system integrity decisions about the overall daily operation, maintenance, management, and supervision of each wastewater treatment plant necessary to meet the performance requirements and limits of:
(i) the assigned permit;
(ii) local ordinances; and
(iii) other applicable regulatory requirements; and
(C) is responsible that written and electronic monitoring reports are prepared under his or her direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. The responsible charge operator certifies that based on his or her inquiry of the persons who manage the system, or those persons directly responsible for gathering the information, that the information submitted is, to the best of his or her knowledge and belief, true, accurate, and complete.

(3) Notify the commissioner ~~when there is a change~~ of the **name of the** person ~~serving as~~ **designated according to subdivision (2) to be** the certified operator in responsible charge. ~~of the wastewater treatment facility. The~~

(4) Submit written notification ~~shall be made no~~ **to the commissioner not** later than thirty (30) days after **the occurrence of** a change in **one (1) of** the **following:**
(A) The person serving as the certified operator **in responsible charge of the wastewater treatment plant.**
(B) Conditions or circumstances that were used as the basis for the original classification of the wastewater treatment plant.

(5) The responsibilities of the owner or governing body described in this section may not be delegated.

~~(b) A certified operator may be designated as being in responsible charge of more than one (1) wastewater treatment plant if it can be demonstrated that the certified operator will give adequate supervision to all units involved. As used in this section, "adequate supervision" means that sufficient time is spent at the wastewater treatment plant on a regular basis to assure that the certified operator is knowledgeable of the actual operations~~

~~and that test reports and results are representative of the actual operational conditions.~~

(Water Pollution Control Board; 327 IAC 5-22-10; filed Nov 20, 2000, 4:07 p.m.: 24 IR 968; readopted filed Aug 17, 2006, 10:31 a.m.: 20060830-IR-327060183BFA)

SECTION 13. 327 IAC 5-22-10.5 IS ADDED TO READ AS FOLLOWS:

327 IAC 5-22-10.5 Certified operator in responsible charge

Authority: IC 13-14-8; IC 13-18-11-13
Affected: IC 13-18-11

Sec. 10.5. (a) A certified operator may be designated as being in responsible charge of more than one (1) wastewater treatment plant if the following requirements are met:

(1) The certified operator gives adequate supervision to each wastewater treatment plant under his or her responsible charge. As used in this section, "adequate supervision" means that time is spent on a regular basis, either on site at or through remote monitoring of the wastewater treatment plant to assure that:

(A) the certified operator is knowledgeable of the actual operations; and

(B) test reports and results are representative of the actual operational and compliance conditions.

(2) The certified operator in responsible charge ensures the proper:

(A) operation;

(B) maintenance;

(C) management; and

(D) supervision;

to each wastewater treatment plant under his or her responsible charge.

(3) Each wastewater treatment plant under the responsible charge of a single certified operator must be achieving the performance requirements and limits in the:

(A) assigned permit;

(B) local ordinances; and

(C) other applicable regulatory requirements.

(b) If adequate supervision and achievement of the performance requirements described in subsection (a)(3) are not achieved, the commissioner may initiate enforcement action that could result in the following:

(1) Restrictions on the number of wastewater treatment plants under that certified operator's responsible charge.

(2) The suspension or revocation of the wastewater treatment plant operator's certificate.

(c) The commissioner may request submission of documentation of the following:

(1) The:

(A) name;

(B) location; and

(C) classification;

of each wastewater treatment plant under the responsible charge of the certified operator.

(2) The amount of time that the certified operator in responsible charge spends at each wastewater treatment plant of responsibility identified under subdivision (1).

(d) The commissioner shall evaluate information required by this section and any other information pertinent to one (1) or more of the wastewater treatment plants under the supervision of a certified operator in responsible charge of multiple wastewater treatment plants and may determine the following for each evaluated wastewater treatment plant:

(1) Whether the time provided for supervision is adequate.

(2) An amount of time that the certified operator in responsible charge shall be required to spend in the operation of each wastewater treatment plant.

(3) A reduction of the number of wastewater treatment plants over which the certified operator may have responsible charge.

(Water Pollution Control Board; 327 IAC 5-22-10.5)

SECTION 14. 327 IAC 5-22-11 IS AMENDED TO READ AS FOLLOWS:

327 IAC 5-22-11 Examination of applicants to become a wastewater treatment apprentice or certified wastewater treatment operator

Authority: IC 13-14-8; IC 13-18-11-13
Affected: IC 13-18-11

Sec. 11. (a) A standardized examination prepared to reflect the duties and responsibilities required of each classification of wastewater treatment operator shall be:
(1) used to test:
(A) knowledge;
(B) ability; and
(C) judgment;
of an applicant to become a certified wastewater treatment operator;
(2) conducted at least annually; and
(3) held at places and times established by the commissioner:
(A) with at least sixty (60) days advanced announcement; and
(B) except in such cases as may be declared necessary exceptions by the commissioner.

(b) A person wishing to be examined for wastewater treatment **apprenticeship or** certification shall fulfill the following requirements:
(1) Complete an application on a form approved by the commissioner that:
(A) contains true and accurate information to the best of the applicant's knowledge; and
(B) is free of omissions and misrepresentations, either of which may result in rejection of the application or revocation of any certificate previously granted.
(2) Submit a completed application, with the necessary fee, to the commissioner not later than forty-five (45) days preceding the date of the examination.

(c) The commissioner shall:
(1) review an application and supporting documents concerning the eligibility of an applicant for wastewater treatment certification examination; and
(2) issue a written notification in the form of an admission slip providing the time and place of the examination to be presented by an applicant deemed eligible for examination.

(d) A person who has been notified and scheduled to take an examination:
(1) may submit a written request to the commissioner for a postponement to take the examination one (1) offering later than the examination granted by the commissioner if **the:**
(A) ~~the~~ postponement for a nonemergency reason is requested ~~no~~ **not** later than fourteen (14) days ~~prior to~~ **before** the examination date noticed to the applicant under subsection (c)(2);
(B) ~~the~~ postponement request for an emergency reason is submitted as soon as conditions of the emergency warrant;
(C) ~~the~~ applicant provides the commissioner an explicit description of extenuating circumstances necessitating the requested postponement; and
(D) ~~the~~ applicant understands that only one (1) postponement shall be allowed; or
(2) will be considered to have failed that examination if one (1) of the following occurs:
(A) The person:
(i) does not attend the examination; and
(ii) has not requested a postponement according to subdivision (1).
(B) The person is caught cheating on an examination, an occurrence that will make an applicant ineligible to take any operator certification examination for a period of two (2) years following the examination date of the incidence of cheating.

(e) Completed examinations shall be managed by the commissioner according to the following:
(1) Graded in a manner prescribed by the commissioner with a minimum result of seventy percent (70%) needed in order to pass the examination.
(2) The commissioner shall notify an applicant of the examination result:

(A) in writing; and
(B) ~~no~~ **not** later than two (2) months after the date of the examination.
(3) Examination papers shall be retained by the commissioner with an opportunity afforded to an applicant notified of having failed the examination for review of the graded examination until a date ninety (90) days ~~prior to~~ **before** the next scheduled examination if the applicant submits the following to the commissioner:
(A) A written request for review of the graded examination.
(B) A statement affirming the applicant's understanding that examination review does not include the right to copy, by any means, the examination or any portion of it.

(f) A person previously certified as a wastewater treatment operator under this rule but who has failed to meet the renewal requirements according to section 14 of this rule must fulfill the following:
(1) Qualify under this rule.
~~(1)~~ **(2)** Retake an examination.
~~(2) Successful completion of continuing education requirements in the amount required for one (1) renewal period as specified in section 15 of this rule.~~

(g) ~~The following exceptions may allow~~ A person ~~to~~ **may** receive wastewater treatment certification without taking an examination
~~(1) A~~ **if the** person seeking wastewater treatment operator's certification by reciprocal recognition or on a provisional basis according to section 13 of this rule ~~may file~~ **files** an application required by subsection (b) at the applicant's convenience, subject to **applicable** expiration dates delineated in ~~other sections of~~ this rule.
~~(2) A certified operator holding a valid nonindustrial wastewater treatment certificate for Class I, Class II, Class III, or Class IV may obtain a Class A industrial certificate without examination by submitting an application required by subsection (b) for the Class A certificate.~~
~~(3) A certified operator holding a valid industrial certificate for Class A, Class B, Class C, or Class D may obtain a Class I nonindustrial certificate without examination by submitting an application required by subsection (b) for the Class I certificate.~~

(Water Pollution Control Board; 327 IAC 5-22-11; filed Nov 20, 2000, 4:07 p.m.: 24 IR 968; readopted filed Aug 17, 2006, 10:31 a.m.: 20060830-IR-327060183BFA)

SECTION 15. 327 IAC 5-22-12 IS AMENDED TO READ AS FOLLOWS:

327 IAC 5-22-12 Wastewater treatment certification fees

Authority: IC 13-14-8; IC 13-18-11-6; IC 13-18-11-13
Affected: IC 13-18-11-15

Sec. 12. (a) Fees for wastewater treatment ~~operator~~ certification shall be as follows:
(1) Certification ~~including certificate~~ **examination:** $30
~~(2) Certification by examination for a new classification $30~~
~~(3)~~ **(2) Certified operator** biennial renewal fee: $30

(b) An application fee will not be returned to an applicant who:
(1) is deemed by the commissioner to be ineligible for wastewater certification examination;
(2) does not receive a minimum score of seventy percent (70%) according to section 11(e)(1) of this rule; or
(3) has violated section 11(d)(2)(B) of this rule by cheating on the operator certification examination.

(Water Pollution Control Board; 327 IAC 5-22-12; filed Nov 20, 2000, 4:07 p.m.: 24 IR 969; readopted filed Aug 17, 2006, 10:31 a.m.: 20060830-IR-327060183BFA)

SECTION 16. 327 IAC 5-22-13 IS AMENDED TO READ AS FOLLOWS:

327 IAC 5-22-13 Certification; reciprocity; provisional certificate

Authority: IC 13-14-8; IC 13-18-11-13
Affected: IC 13-18-11-9

Sec. 13. (a) The commissioner shall issue a certificate designating competency in the appropriate certified operator's classification to each person who:

(1) makes proper application if the applicant meets the necessary requirements of education and experience; and

(2) has successfully completed a class appropriate examination.

Upon successful completion of examination according to section 11 of this rule, the commissioner shall issue a certificate in the wastewater treatment operator classification for which the applicant was examined.

(b) The commissioner may issue a certificate by reciprocity as outlined in IC 13-18-11-9 if the following conditions are met:

(1) A person seeking reciprocal certification submits an application for such a certificate that includes the following:

(A) Proof of current certification.

(B) **The** classification of the applicant.

(2) A person from another state seeking a certificate by reciprocity earns the number of continuing education contact hours for future renewal periods in the time period required by section 15 of this rule though no continuing education contact hours shall be required at the time of conferring the reciprocal certification.

(c) The commissioner may issue a provisional wastewater treatment operator's certificate if the following occur:

(1) The governing body or owner of a wastewater treatment plant submits a written request specifying a reason necessitating the provisional certification, including one (1) of the following:

(A) To fill a vacancy created by death.

(B) Resignation of the certified operator in responsible charge.

(C) Extended illness of the certified operator in responsible charge.

(D) Suspension or revocation of the certification of the operator in responsible charge.

(E) Similar cause as determined by the commissioner.

(2) The written request required by subdivision (1) provides the:

(A) name;

(B) education; and

(C) experience;

of the person for whom the provisional certificate is requested.

(3) The provisional certificate nominee named under subdivision (2) submits, simultaneously with the request submitted under subdivision (1), an application as required by section 11(b) of this rule requesting examination and certification.

(4) The provisional certificate nominee named under subdivision (2) ~~is eligible for the next scheduled wastewater~~ **currently meets the educational and experience requirements for the appropriate class of** certification. ~~examination.~~

(d) A provisional certificate shall be:

(1) issued by the commissioner in the form of a letter that specifies the conditions of the certification; and

(2) valid for the shorter of the following lengths of time:

(A) The period between the date of application and ~~the end of the thirty (30) day grading period~~ **sixty (60) days** following the next examination that is available to the provisional certificate nominee.

(B) One (1) year.

(Water Pollution Control Board; 327 IAC 5-22-13; filed Nov 20, 2000, 4:07 p.m.: 24 IR 969; readopted filed Aug 17, 2006, 10:31 a.m.: 20060830-IR-327060183BFA)

SECTION 17. 327 IAC 5-22-14 IS AMENDED TO READ AS FOLLOWS:

327 IAC 5-22-14 Certificates and certification cards; renewal; duplicates

Authority: IC 13-14-8; IC 13-18-11-4; IC 13-18-11-13
Affected: IC 13-18-11-6

Sec. 14. (a) A wastewater treatment operator's certificate shall:

(1) be issued after an applicant's successful completion of the classification appropriate examination;

(2) specify the:
(A) month and year that the applicant qualified; and ~~the~~
(B) issuance date of the certificate;
(3) be permanent in nature but will be effective only when validated by a current certification card; and
(4) not be valid if obtained through:
(A) fraud;
(B) deceit; or
(C) the submission of inaccurate data on the examination application.

(b) A certificate, issued on the basis of the applicant's having been in responsible charge of a wastewater treatment plant ~~prior to~~ **before** July 1, 1968, shall remain valid until one (1) of the following occurs:
(1) A change in the classification of the wastewater treatment plant for one (1) of the following reasons:
(A) Increased capacity.
(B) An increase in population served.
(C) A basic change in the method of wastewater treatment.
(D) Other change in conditions ~~which~~ **that** requires a more difficult operation.
(2) The operator is no longer in direct responsible charge.

~~(c) A wastewater treatment certified operator must:~~
~~(1) provide permanent and visible display of his or her certificate at the wastewater treatment plant office; and~~
~~(2) obtain a duplicate certificate to display in the office of each wastewater treatment plant supervised, if the certified operator supervises more than one (1) wastewater treatment plant.~~

~~(d)~~ **(c)** A certification card shall:
(1) be issued for a time period of ~~no~~ **not** more than ~~twenty-four (24)~~ **twenty-five (25)** months; and
(2) expire on the last day of June nearest the end of the biennial period following the certification card issuance.

~~(e)~~ **(d)** A wastewater treatment certified operator needing a replacement or duplicate certificate must submit a written request to the commissioner, including the following information:
(1) The class of wastewater treatment operator.
(2) The name and classification of the wastewater treatment plant to be operated.
(3) The date of issuance of the original certificate, if known.
(4) The certificate number.

~~(f)~~ **(e)** The commissioner shall accomplish the following:
(1) Issue a renewal notification to each certified wastewater treatment plant operator stating the following:
(A) The expiration date of the certified operator's certification card.
(B) The amount of fee required for certification card renewal.
(2) Mail certification card renewal notifications:
(A) at least thirty (30) days ~~prior to~~ **before the** expiration of the certification card; and
(B) to the last known address filed with the commissioner.
(3) Renew a certification card if:
(A) the continuing education requirements of section 15 of this rule are met;
(B) a renewal fee is submitted on or before the first day of July of the biennial period for which a certification card is to be issued; and
(C) the notice is signed and returned by the certified operator to the commissioner.
(4) Reinstate certification if the certified operator:
(A) submits payment of: ~~any~~
(i) arrearage of fees; **and**
~~(B) submits payment of~~ **(ii)** the current renewal fee;
~~(C)~~ **(B)** fulfills **all** arrearage of continuing education credit requirements; and
~~(D)~~ **(C)** is current in meeting continuing education credit requirements.
(5) Deny renewal of a certification card that is not renewed within the time limit established in this section and IC 13-18-11-6(c). ~~unless the~~ **A wastewater treatment plant** operator ~~pursues reinstatement through reapplication and~~ **who fails to renew a certificate for three (3) successive years may not receive a renewal certificate without** reexamination. ~~following the requirements of section 11 of this rule.~~

(Water Pollution Control Board; 327 IAC 5-22-14; filed Nov 20, 2000, 4:07 p.m.: 24 IR 970; readopted filed Aug

17, 2006, 10:31 a.m.: 20060830-IR-327060183BFA)

SECTION 18. 327 IAC 5-22-15 IS AMENDED TO READ AS FOLLOWS:

327 IAC 5-22-15 Continuing education requirements for wastewater treatment apprentices and certified operators

Authority: IC 13-14-8; IC 13-18-11-13
Affected: IC 13-18-11

Sec. 15. (a) A ~~certified~~ wastewater treatment ~~operator~~ **apprentice** shall fulfill continuing education requirements in amounts specified in Table 15(b) during each two (2) year period following the issuance of the ~~certification card~~ **apprentice classification** and ~~prior to having that certification card renewed.~~ **before achieving status as a certified wastewater treatment plant operator.**

(b) Continuing education credits required for eligibility in the following classifications of wastewater treatment apprentices are listed in the following table:

Table 15(b)

Wastewater Treatment Apprentice Classification	**Continuing Education Credits Required During Each Two (2) Year Period of Apprenticeship**
Apprentice I-SP	**5 contact hours**
Apprentice A-SO	**5 contact hours**
Apprentice I	**10 contact hours**
Apprentice A	**10 contact hours**
Apprentice II	**10 contact hours**
Apprentice B	**10 contact hours**
Apprentice III	**20 contact hours**
Apprentice C	**20 contact hours**
Apprentice IV	**20 contact hours**
Apprentice D	**20 contact hours**

(c) A certified wastewater treatment operator shall fulfill continuing education requirements in amounts specified in Table 15(d) during each two (2) year period following the issuance of the certification card and before having that certification card renewed.

~~(b)~~ **(d)** Continuing education credits required for certification card renewal in the following classifications of certified wastewater treatment operators are listed in the following table:

Table ~~15(b)~~ **15(d)**

Certified Wastewater Treatment Operator Classification	Continuing Education Credits Required for Renewal
~~Class O.I.T.~~	~~No continuing education required; certification card not renewable~~
Class I-SP	5 contact hours
Class A-SO	5 contact hours
Class I	10 contact hours
Class A	10 contact hours
Class II	10 contact hours
Class B	10 contact hours
Class III	20 contact hours
Class C	20 contact hours
Class IV	20 contact hours
Class D	20 contact hours

~~(c)~~ **(e)** Continuing education credits required according to Table 15(b) **and Table 15(d)** must adhere to a

distribution of subject matter according to the following:

(1) A minimum of seventy percent (70%) of the required continuing education contact hours shall be obtained from the technical category of approved continuing education courses **that address technical matters related directly to wastewater treatment plant and sewer system operations, maintenance, management, or supervision.**

(2) ~~No~~ **Not** more than thirty percent (30%) of the required continuing education contact hours shall be obtained from nontechnical subject matter of approved continuing education courses **that enhance the performance of the certified operator's responsibilities but are not directly related to wastewater treatment plant and sewer system operations, maintenance, management, or supervision.**

~~(d)~~ **(f)** A person having ~~a valid certification card in~~ more than one (1) wastewater treatment operator ~~classification:~~

~~(1)~~ **apprenticeship or certification** may be given ~~duplicate~~ continuing education credit from a single approved continuing education course for each wastewater treatment **apprenticeship or** certification to which the subject matter is applicable. ~~and~~

~~(2) must obtain the greatest number of continuing education contact hours required by the various certifications held within the shared one (1) year of certification overlap in order not to be required to obtain continuing education for each certificate held.~~

(Water Pollution Control Board; 327 IAC 5-22-15; filed Nov 20, 2000, 4:07 p.m.: 24 IR 970; readopted filed Aug 17, 2006, 10:31 a.m.: 20060830-IR-327060183BFA)

SECTION 19. 327 IAC 5-22-16 IS AMENDED TO READ AS FOLLOWS:

327 IAC 5-22-16 Continuing education credit; criteria for approval

Authority: IC 13-14-8; IC 13-18-11-13
Affected: IC 13-18-11

Sec. 16. (a) Continuing education contact hour credit shall be given only for completed course work that has been approved by the commissioner according to the following:

(1) A training provider has submitted an application and received continuing education course approval from the commissioner ~~prior to~~ **before** publicly offering a wastewater treatment continuing education course. The application: ~~must:~~

(A) **must** be submitted on a form approved by the commissioner;

(B) **should** be submitted ~~no~~ **for advance approval not** less than sixty (60) days before the first date when the course is conducted, **but must be submitted not later than ninety (90) days after training completion in order to be considered for approval;**

(C) **must** be accompanied by a written course outline or brochure; and

(D) **must** contain:

(i) **the** name, address, and telephone number of a course sponsor, training provider, or other contact person;

(ii) **the** name of **the** course;

(iii) specific topics that are included in the course presentations;

(iv) **the** amount of time devoted to each topic;

(v) **the** instructor's name and qualifications, including:

(AA) educational background;

(BB) professional experience; and

(CC) current professional affiliation; ~~and~~

(vi) ~~dates and~~ **the schedule, anticipated** locations, ~~where the course will~~ **and number of times the training is anticipated to** be offered;

(vii) the method of training delivery, such as on-site lecture, electronic means, or other means as specified by the training course provider; and

(viii) the method of attendance verification for record keeping and reporting, such as the following:

(AA) Sign in and sign out sheets.

(BB) Electronic tracking.

(CC) Date stamping.

(DD) Other means as specified by the training course provider.

(2) The wastewater treatment continuing education course meets the following requirements:

(A) The course deals with one (1) or more of the following as determined by the commissioner:
(i) Technical matters related directly to wastewater treatment **plant and sewer system operations, maintenance, management, or supervision.**
(ii) General matters ~~related to~~ **that enhance** the ~~responsibilities of a~~ **performance of the** certified ~~operator.~~ **operator's responsibilities but are not directly related to wastewater treatment plant and sewer system operations, maintenance, management, or supervision.**
(B) Each instructor and speaker is qualified by academic work or practical experience to teach the proposed wastewater treatment continuing education course.

(b) A certified wastewater treatment operator may petition the commissioner for approval of a wastewater treatment continuing education course if the following procedures are met:
(1) An application of petition is submitted to the commissioner prior to ~~or within thirty (30) days of~~ course completion **or as soon as practical afterwards but not later than ninety (90) days after training completion in order to be considered for approval.**
(2) The application must contain the information required by subsection (a)(1)(A), (a)(1)(C), and (a)(1)(D).
(3) The certified operator must supply written proof of attendance at the wastewater treatment continuing education course within ~~thirty (30)~~ **ninety (90)** days following course completion.

(c) Credit will not be granted for repeating the same training course within a renewal period.

~~(c)~~ **(d)** A certified operator who is an instructor or speaker at a wastewater treatment continuing education course shall be credited the same number of contact hours as the students of the course **for not more than one (1) presentation of the training.**

~~(d) Continuing education contact hours earned in another state, whether that state has reciprocity with Indiana for the purpose of transferring a certificate of wastewater treatment operator competency, may be eligible for credit if the following are met:~~
~~(1) The commissioner is provided the information required by subsection (a)(1)(A), (a)(1)(C), and (a)(1)(D) for the course work from which the contact hours were earned.~~
~~(2) The information required by subdivision (1) is submitted to the commissioner.~~
~~(3) The commissioner approves the course work from which the contact hours were earned.~~

(e) Partial credit shall not be given to:
(1) instructors;
(2) speakers; or
(3) students;
participating in less than a complete wastewater treatment continuing education course.

(Water Pollution Control Board; 327 IAC 5-22-16; filed Nov 20, 2000, 4:07 p.m.: 24 IR 971; readopted filed Aug 17, 2006, 10:31 a.m.: 20060830-IR-327060183BFA)

SECTION 20. 327 IAC 5-22-17 IS AMENDED TO READ AS FOLLOWS:

327 IAC 5-22-17 Continuing education credit; training provider responsibilities

Authority: IC 13-14-8; IC 13-18-11-13
Affected: IC 13-18-11

Sec. 17. (a) A training provider shall generate records of each wastewater treatment continuing education course conducted that include the following:
(1) The date of the wastewater treatment continuing education course.
(2) The name of each person in attendance at the wastewater treatment continuing education course.
(3) The length of time of the course.
(4) The instructor's name.
(5) The course ~~content.~~ **name and approval number.**
(6) The name of the organization sponsoring the course.

(b) Records required by subsection (a) shall be maintained for a ~~five (5)~~ **three (3)** year period following the presentation of each wastewater treatment continuing education course.

(c) A training provider must submit the information required by subsection (a) to the commissioner according to the following:
(1) On a form approved by the commissioner.
(2) Within ~~thirty (30)~~ **ninety (90)** days of the conclusion of the wastewater treatment continuing education course.

(Water Pollution Control Board; 327 IAC 5-22-17; filed Nov 20, 2000, 4:07 p.m.: 24 IR 972; readopted filed Aug 17, 2006, 10:31 a.m.: 20060830-IR-327060183BFA)

SECTION 21. 327 IAC 5-22-18 IS AMENDED TO READ AS FOLLOWS:

327 IAC 5-22-18 Suspension or revocation of certification

Authority: IC 13-14-8; IC 13-18-11-13
Affected: IC 4-21.5; IC 13-18-11-8

Sec. 18. **(a)** The commissioner may suspend or revoke the wastewater treatment certificate of a wastewater treatment certified operator, following a hearing ~~pursuant to~~ **under** IC 4-21.5, if it is found that the certified operator has violated any provision of IC 13-18-11-8.

(b) During the period of certification suspension or revocation, a wastewater treatment plant operator who has had his or her wastewater treatment operator's certificate suspended or revoked may not do the following:
(1) Be designated as the operator in responsible charge or as an operator in responsible charge for a work shift.
(2) Supervise maintenance activities.
(3) Supervise laboratory testing.
(4) Collect, prepare, or sign self-monitoring documentation, including, but not limited to, the following:
(A) Laboratory bench sheets.
(B) State monthly monitoring reports.
(C) State monthly reports of operation.
(D) Federal discharge monitoring reports.
(E) Noncompliance notifications.
(F) Bypass/overflow reporting forms.
(G) Other wastewater treatment plant self-monitoring documentation.
(5) Be a training provider or course instructor of a continuing education course.

(c) A wastewater treatment plant operator who has had his or her operator's certificate suspended may apply for reinstatement of the operator's certificate according to the following:
(1) The period of suspension has expired.
(2) A written request for reinstatement is submitted to the commissioner with proof of the following:
(A) All requirements of the suspension have been met.
(B) The number of continuing education units that would have been required for the operator's classification during the period of the suspension of the operator's certificate have been met.

(d) A wastewater treatment plant operator who has had his or her operator's certificate revoked may apply to the commissioner for recertification after a five (5) year period. If the commissioner allows recertification, the wastewater treatment plant operator must:
(1) qualify under this rule; and
(2) take the certification exam for the classification requested for recertification.

(Water Pollution Control Board; 327 IAC 5-22-18; filed Nov 20, 2000, 4:07 p.m.: 24 IR 972; readopted filed Aug 17, 2006, 10:31 a.m.: 20060830-IR-327060183BFA)

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