
TITLE 327 WATER POLLUTION CONTROL DIVISION**SECOND NOTICE OF COMMENT PERIOD**

LSA Document #18-365

WASTEWATER TREATMENT PLANTS AND OPERATORS**PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on new rules at [327 IAC 5-23](#) concerning wastewater treatment plant operator certification. This rulemaking will repeal [327 IAC 5-22](#) and add [327 IAC 5-23](#) to reorganize and update the wastewater treatment plant and operator certification requirements. IDEM seeks comment on the affected citations listed and any other provisions of Title 327 that may be affected by this rulemaking.

HISTORY

First Notice of Comment Period: August 29, 2018, Indiana Register (DIN: [20180829-IR-327180365FNA](#)).

CITATIONS AFFECTED: [327 IAC 5-22](#); [327 IAC 5-23](#).

AUTHORITY: [IC 4-21.5](#); [IC 13-14-8](#); [IC 13-18-11](#).

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING**Basic Purpose and Background**

Wastewater treatment facilities are designed to control water pollution from homes, businesses, and industries throughout the United States. These systems are intended to return treated wastewater back into the waterways of the state. To be effective, these wastewater treatment facilities require skilled operators to run them. In Indiana, wastewater treatment plant apprentices and operators must have a certain amount of work experience and formal education, as well as pass a competency test in order to receive a license to operate a wastewater treatment facility. Operators must also attend continuing education courses in order to maintain their licenses. There are five classifications of municipal licenses and five classifications of industrial licenses based on the type, size, and complexity of wastewater treatment plants. The certification and renewal processes for wastewater treatment plant apprentices and operators are administered by IDEM.

The 2015 General Assembly passed House Enrolled Act (HEA) 1350, effective on July 1, 2015, concerning various environmental matters. Some amendments affected requirements for wastewater treatment plant operators in [IC 13-18-11](#) with the following changes: [IC 13-18-11-4\(c\)](#) added new language to allow the examination to be administered electronically through an independent third party administrator; [IC 13-18-11-6\(b\)](#) updated the renewal certification fee to be paid on or before July 1 for wastewater treatment plant operators of the year for which a renewal certificate is to be issued; and [IC 13-18-11-13\(3\)](#) added requirements for rules to include provisions for fees for the certification examinations.

The 2018 General Assembly passed HEA 1233, effective on July 1, 2018, concerning various environmental matters, that also included amendments to [IC 13-18-11](#) concerning wastewater treatment plant operators with the following changes: [IC 13-18-11-6.5](#) authorized the Environmental Rules Board (board) to establish dates by which fees must be paid, and required proof of compliance with continuing education requirements to be submitted as a condition of certificate renewal for wastewater treatment plant operators; [IC 13-18-11-7\(a\)\(2\)](#) changed the renewal cycle of the certificate of a wastewater treatment plant operator from two years to three years; [IC 13-18-11-7\(a\)\(3\)](#) added new language that changed the continuing education requirements for renewal of the operator certification to every three years; and [IC 13-18-11-9\(2\)](#) added language for other states or U.S. territories to be included in the reciprocity of education and experience for certified operators when applying for certification in Indiana.

IDEM proposes to repeal [327 IAC 5-22](#) and add [327 IAC 5-23](#) to reorganize sections to clarify wastewater operator certification language, to update language to appropriately recognize electronic systems and processes for certifications and certification renewals, and to include changes to the statute that updated various parts of [IC 13-18-11](#). The proposed clarifications include: definitions; plant classifications; qualifications and substitution of qualifications; the duties of an operator; what is considered a passing score for the examination; and removal of specific allowable substitutions for education and experience, replacing them with more general criteria for allowable substitutions in [327 IAC 5-23-10](#). A nonrule policy document providing guidance and further information on education and experience substitutions will be presented to the board concurrently with this rule.

IDEM proposes to add new language to include a provision that enables an independent third party to administer electronic examinations while charging its own fee for administering the examination, the addition for applicants to apply for the electronic examination, an exemption for electronic applications for the 45 day advance application date, and an exemption from certain renewal application and examination deadlines if deployed by

U.S. armed forces. This rulemaking adds a provision for applicants who fail the examination three consecutive times. This provision will require the applicant to attend and pass an IDEM-approved technical examination preparation course directly related to wastewater treatment, which includes a minimum of eight hours of instruction, prior to resubmitting an application or being allowed to take the examination again. Applicants must also submit course completion documents along with their new applications. An incomplete application is grounds for denying a license. Operators who have had their certifications suspended or revoked are prohibited from performing the duties of a certified operator, including performing laboratory analysis on samples used for compliance purposes. Additionally, IDEM has determined that the effective period for provisional certificates is limited to 90 days with a maximum extension not to exceed a total of one year. For wastewater treatment plants that are classified as A-SO, A, or B, certain groundwater remediation treatment systems have been reclassified to a lower level to make it easier for groundwater remediation sites that currently struggle with the existing classification system by allowing many of them to obtain an A or A-SO classification while still assuring competent staffing and management.

Further, IDEM has reviewed the rule to ensure typographical errors, inconsistencies, and organizational issues are clarified. The rule has also been reviewed to ensure compliance with rule drafting guidelines, and for opportunities to streamline, simplify, and clarify the language. IDEM seeks comment on the affected citations listed, including suggestions for specific language, any other provisions of Title 327 that may be affected by this rulemaking, and alternative ways to achieve the purpose of this rulemaking.

[IC 13-14-9-4](#) Identification of Restrictions and Requirements Not Imposed under Federal Law

IDEM is authorized by the Indiana Code to write rules for wastewater treatment operators and plants in accordance with [IC 13-18-11](#). The Wastewater Treatment Plants and Operators rule currently at [327 IAC 5-22](#) is a state run program that is not imposed under federal law, and will therefore have no impact of restrictions or requirements for the sources required to comply with this rulemaking.

Potential Fiscal Impact

This rulemaking will have an overall insignificant fiscal impact. The change in certification renewals for the wastewater treatment operators from two years to three years may potentially save the regulated community money. Allowing a third party to administer the certification examinations will reduce IDEM's cost of administering the tests. The inclusion of individuals certified by United States territories in the certification examination requirements could have potential positive fiscal impacts that will benefit the regulated community by allowing reciprocity for background education and experience in United States territories.

Public Participation and Work Group Information

At this time, no work group is planned for the rulemaking. If you feel that a work group or other informal discussion on the rule is appropriate, please contact Krystal Hackney, Rules Development Branch, Office of Legal Counsel at (317) 232-3158 or (800) 451-6027 (in Indiana).

SUMMARY/RESPONSE TO COMMENTS FROM THE FIRST COMMENT PERIOD

IDEM requested public comment from August 29, 2018, through September 28, 2018, on alternative ways to achieve the purpose of the rule and suggestions for the development of draft rule language. IDEM received no comments in response to the First Notice of Comment Period.

REQUEST FOR PUBLIC COMMENTS

This notice requests the submission of comments on the draft rule language, including suggestions for specific revisions to language to be contained in the draft rule. Comments may be submitted in one of the following ways:

(1) By mail or common carrier to the following address:

LSA Document #18-365 Wastewater Treatment Plants and Operators
Krystal Hackney
Rules Development Branch
Office of Legal Counsel
Indiana Department of Environmental Management
Indiana Government Center North
100 North Senate Avenue
Indianapolis, IN 46204-2251

(2) By electronic mail to khackney1@idem.in.gov. To confirm timely delivery of submitted comments, please request a document receipt when sending the electronic mail. **PLEASE NOTE: Electronic mail comments will NOT be considered part of the official written comment period unless they are sent to the address indicated in this notice.**

Contact Karla Kindrick at kkindric@idem.in.gov or (317) 232-8922 if another method of submitting comments within the comment period is desired. Regardless of the delivery method used, in order to properly identify each comment with the rulemaking action it is intended to address, each comment document must clearly specify the LSA document number of the rulemaking.

COMMENT PERIOD DEADLINE

All comments must be postmarked, faxed, or time stamped not later than March 24, 2023. Hand-delivered comments must be delivered to the appropriate office by 4:45 p.m. on the above-listed deadline date.

Additional information regarding this action may be obtained from Krystal Hackney, Rules Development Branch, Office of Legal Counsel, (317) 232-3158 or (800) 451-6027 (in Indiana).

DRAFT RULE

SECTION 1. [327 IAC 5-23](#) IS ADDED TO READ AS FOLLOWS:

Rule 23. Wastewater Treatment Plant Classification and Operator Certification

[327 IAC 5-23-1](#) Applicability

Authority: [IC 13-14-8](#); [IC 13-18-11-13](#)

Affected: [IC 13-18-11](#)

Sec. 1. (a) This rule applies to the following persons or entities involved in the operation of a wastewater treatment plant:

- (1) An apprentice or a certified operator.
- (2) A person endeavoring to become an apprentice or a certified operator.
- (3) The owner or governing body of a wastewater treatment plant.

(b) This rule does not apply to the following:

- (1) Pits and ponds used to capture stormwater or groundwater when any of the following conditions exist:
 - (A) The pit or pond is designed and used solely for purposes of stormwater detention or retention.
 - (B) The pit or pond does not receive or treat industrial or sanitary wastewater.
 - (C) The pit or pond is aerated, and the aeration is intended only:
 - (i) for aesthetics; or
 - (ii) to provide for dissolved oxygen, but not for the purpose of promoting biological growth or treatment of organic loading.
- (2) The discharge and management of wastewater discharged from pipelines conducting hydrostatic testing, unless the commissioner finds it necessary, on a case-by-case basis, to classify the discharge in accordance with section 4(a) of this rule.

(Water Pollution Control Division; [327 IAC 5-23-1](#))

[327 IAC 5-23-2](#) Definitions

Authority: [IC 13-14-8](#); [IC 13-18-11-13](#)

Affected: [IC 13-11-2-258](#); [IC 13-18-11](#)

Sec. 2. In addition to the definitions in [IC 13-11-2](#) and [327 IAC 5-1.5](#), 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 that:
 - (A) is obtained under the supervision of a certified operator; and
 - (B) demonstrates to the commissioner that the applicant's experience meets the requirements described in this rule.
- (2) "Applicant" means a:
 - (A) person who has submitted a state application form seeking:
 - (i) classification as an apprentice; or
 - (ii) certification as a wastewater treatment plant operator;whether or not the person is currently employed at a wastewater treatment plant; or
 - (B) training course provider seeking course approval.
- (3) "Application" means a written request submitted to the commissioner asking for:
 - (A) classification as an apprentice;
 - (B) certification as a wastewater treatment plant operator; or

- (C) training course approval.
- (4) "Apprentice" means a person who has successfully passed the wastewater treatment certification examination but has not fulfilled either the educational or experience requirements, or both, necessary to qualify to be a certified operator for a specific classification.
- (5) "Certificate" means an appropriate document issued by the department containing the following information:
 - (A) The name of the person being certified.
 - (B) Affirmation that the named person has fulfilled the requirements for certification contained in this rule.
 - (C) The classification of the wastewater treatment certified operator.
 - (D) The date of issuance.
 - (E) An identification number unique to each certificate.
- (6) "Certification card" means a card issued by the department 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 certified operator.
 - (C) An expiration date.
- (7) "Certified operator" means a person who:
 - (A) has met the requirements of this rule; and
 - (B) holds a current certificate and certification card for wastewater treatment issued by the department.
- (8) "Contact hour" means an instructional session of at least fifty (50) minutes duration that:
 - (A) is approved by the commissioner; and
 - (B) led by a qualified instructor or lecturer.
- (9) "Design population equivalent" means the population equivalent for which the plant is designed.
- (10) "Full-time" means working at the wastewater treatment plant for a minimum of one thousand five hundred sixty (1,560) hours each year.
- (11) "General contact hour" refers to a contact hour from an industrial session that addresses general matters 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.
- (12) "Industrial treatment plant" refers to a wastewater treatment plant owned by either a private or government entity that is designed and operated to treat primarily wastewater from industrial processes, but does not include a publicly owned treatment works (POTW) that receives and treats a portion of incoming wastewater from industrial processes.
- (13) "Nonindustrial treatment plant" refers to a POTW, semipublic facility, privately owned treatment works, state or federally owned wastewater treatment facility that primarily treats sanitary wastewater, as defined in [327 IAC 2-1.3-2\(47\)](#).
- (14) "Population equivalent" or "PE" means the calculated population that would contribute the equivalent amount of biochemical oxygen demand (BOD) per day using a base of seventeen-hundredths (0.17) pound of five (5) day BOD per capita per day.
- (15) "Responsible charge experience" means the amount of time an operator works at the wastewater treatment plant in responsible charge of the plant, a work shift, or a major unit of treatment.
- (16) "Responsible charge operator" or "operator in responsible charge" means one (1) of the following:
 - (A) The wastewater treatment certified operator officially designated by the principal executive of the NPDES permit holder or owner of the wastewater treatment plant.
 - (B) An operator who makes process control or system integrity decisions about the overall daily operation, maintenance, management, or supervision of a wastewater treatment plant necessary to meet the performance requirements and limits of the assigned permit and any applicable local ordinance or other regulatory requirements.
- (17) "Technical contact hour" refers to a contact hour from an instructional session that addresses technical matters related directly to wastewater treatment plant and sewer system operations, maintenance, management, or supervision.
- (18) "Training course" means an instructional session that deals with one (1) or more of the following, as determined by the commissioner:
 - (A) Technical matters related directly to wastewater treatment.
 - (B) General matters related to the responsibilities of a wastewater treatment certified operator.
- (19) "Training provider" means a person or organization that conducts or presents a training course approved under this rule.
- (20) "Wastewater treatment plant" has the meaning set forth in [IC 13-11-2-258](#) and also includes

wastewater treatment plants in Indiana owned or operated by the federal government.

(Water Pollution Control Division; [327 IAC 5-23-2](#))

[327 IAC 5-23-3](#) Classification of nonindustrial wastewater treatment plants

Authority: [IC 13-14-8](#); [IC 13-18-11-2](#); [IC 13-18-11-13](#)

Affected: [IC 13-18-11](#)

Sec. 3. A nonindustrial wastewater treatment plant is classified based on the design population equivalent of the plant as follows:

- (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 Division; [327 IAC 5-23-3](#))

[327 IAC 5-23-4](#) Classification of industrial wastewater 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) An industrial wastewater treatment plant is classified based on the type of treatment provided, design population equivalent, and the average daily flow as follows:

- (1) Class A-SO includes wastewater treatment plants having one (1) or more of the following:
 - (A) Primary solids removal facilities used only for removal of solids, such as:
 - (i) settling tanks;
 - (ii) settling ponds;
 - (iii) sand filters; or
 - (iv) screens.
 - (B) Tanks, ponds, centrifuges, or other facilities used to separate floatable oils and solids.
 - (C) pH adjustment.
 - (D) Activated carbon filtration or membrane filtration systems with replaceable filter cartridges.

Wastewater flow is not a limiting factor in the Class A-SO classification of an industrial wastewater treatment plant.

- (2) Class A includes 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) anaerobic or aerobic waste stabilization ponds;
 - (ii) trickling filter;
 - (iii) activated sludge-type treatment plants;
 - (iv) aerated lagoons; or
 - (v) other biological treatment facilities.
 - (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.
 - (C) Groundwater remediation systems using only air stripping that discharge less than twenty-five thousand (25,000) gallons per day.
- (3) Class B includes 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) anaerobic or aerobic waste stabilization ponds;

- (ii) trickling filter;
- (iii) activated sludge-type treatment plants;
- (iv) aerated lagoons; or
- (v) other biological treatment facilities.

(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 or physical treatment facilities that process or treat wastewater flow equal to or greater than twenty-five thousand (25,000) gallons per day and less than fifty thousand (50,000) gallons per day using one (1) of the following methods:

- (i) Cyanide destruction.
- (ii) Chromium reduction.
- (iii) Coagulation and flocculation.
- (iv) Air flotation.
- (v) Air stripping.
- (vi) Advanced oxidation.
- (vii) Activated carbon filtration.
- (viii) Membrane filtration.
- (ix) Steam stripping.

(D) Groundwater remediation treatment systems using chemical or membrane treatment and designed to treat twenty-five thousand (25,000) gallons per day or greater.

(4) Class C includes 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) anaerobic or aerobic waste stabilization ponds;
- (ii) trickling filter;
- (iii) activated sludge-type treatment plants;
- (iv) aerated lagoons; or
- (v) other biological treatment facilities.

(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 or physical 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) Coagulation and flocculation.
- (iv) Air flotation.
- (v) Air stripping.
- (vi) Advanced oxidation.
- (vii) Activated carbon filtration.
- (viii) Membrane filtration.
- (ix) Steam stripping.

(5) Class D includes 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) anaerobic or aerobic waste stabilization ponds;
- (ii) trickling filter;
- (iii) activated sludge-type treatment plants;
- (iv) aerated lagoons; or
- (v) other biological treatment facilities.

(B) Chemical or physical 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) Coagulation and flocculation.
- (iv) Air flotation.
- (v) Air stripping.

- (vi) Advanced oxidation.
- (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) 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 is 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.

(c) A wastewater treatment plant using one (1) or more treatment methods not specifically described in subsection (a) or (b) will be classified by the department based on the treatment technology type and size.

(Water Pollution Control Division; [327 IAC 5-23-4](#))

[327 IAC 5-23-5](#) Reclassification of wastewater 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) A wastewater treatment plant may be reclassified by the commissioner if any of the following situations exist:

- (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, bacteriological, or biological nutrient removal controls are required.
- (4) An unusually high degree of skill is required in the operation of the wastewater treatment plant to ensure continuous production of effluent that meets the water quality requirements of the receiving stream and the NPDES permit limitations.
- (5) A significant change occurs to the wastewater treatment plant by the addition or removal of the following:
 - (A) Flow volume.
 - (B) Equipment.
 - (C) Pollutant loading.
 - (D) Wastestreams.
 - (E) Treatment processes.

(b) When considering reclassification of a wastewater treatment plant, the commissioner shall do the following:

- (1) Base reclassification of the wastewater treatment plant on information:
 - (A) supplied by the governing body or owner in a construction permit application for modification of the wastewater treatment plant;
 - (B) supplied by the governing body or owner in a NPDES or industrial waste pretreatment (IWP) permit application or application for modification of an NPDES or IWP permit; or
 - (C) identified by the department that is applicable to the classification of the wastewater treatment plant.
- (2) Give written notice of a reclassification to the governing body or owner and to the 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:
 - (i) is required to comply with clause (A); and

(ii) must be in responsible charge of the reclassified wastewater treatment plant.

(c) The permittee shall notify the commissioner of any significant change or planned change to the wastewater treatment plant or contributing wastestreams that may be cause for a change in classification.

(Water Pollution Control Division; [327 IAC 5-23-5](#))

[327 IAC 5-23-6](#) Owner or governing body responsibilities

Authority: [IC 13-14-8](#); [IC 13-18-11-13](#)

Affected: [IC 13-18-11](#)

Sec. 6. The owner or governing body of a wastewater treatment plant is responsible for the following:

(1) Providing adequate funding and oversight of the wastewater treatment plant to ensure proper:

- (A) operation;
- (B) maintenance;
- (C) management; and
- (D) supervision.

(2) Placing each wastewater treatment plant under the direct supervision and responsible charge of a certified operator who holds a current certification that corresponds to the classification of certified operator allowed to operate the wastewater treatment plant in accordance with section 8 of this rule.

(3) Notifying the commissioner of the name of the certified operator in responsible charge.

(4) Submitting written notification to the commissioner not later than thirty (30) days after the occurrence of a change in either 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.

(Water Pollution Control Division; [327 IAC 5-23-6](#))

[327 IAC 5-23-7](#) Certified operator in responsible charge

Authority: [IC 13-14-8](#); [IC 13-18-11-13](#)

Affected: [IC 13-18-11-8](#)

Sec. 7. (a) A certified operator in responsible charge shall do the following:

(1) Spend sufficient time at each facility for which the certified operator in responsible charge is required to accomplish all expectations as described in this section.

(2) Make process control or system integrity decisions about the overall daily operation, maintenance, management, and supervision of the wastewater treatment plant necessary to meet the performance requirements and limits of:

- (A) the permit;
- (B) local ordinances; and
- (C) other applicable regulatory requirements.

(3) Provide direction or supervision to ensure written and electronic monitoring reports are prepared in accordance with a system designed to:

- (A) assure that qualified personnel properly gather and evaluate the information submitted; and
- (B) certify that the information submitted is true, accurate, and complete, to the best of the knowledge and belief of the certified operator, based on inquiry of:
 - (i) the person who manages the system; or
 - (ii) the person directly responsible for gathering the information.

(b) 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 provides adequate supervision to each wastewater treatment plant under the certified operator's responsible charge by spending sufficient time on a regular basis, either onsite or

through remote monitoring of the wastewater treatment plant, to ensure that:

- (A) the certified operator is knowledgeable of the actual operations;
 - (B) test reports and results are representative of the actual operational and compliance conditions; and
 - (C) the certified operator is fulfilling the duties described in subsection (a).
- (2) For each affected wastewater treatment plant, the certified operator in responsible charge ensures proper:
- (A) operation;
 - (B) maintenance;
 - (C) management; and
 - (D) supervision.
- (3) Each wastewater treatment plant under the responsible charge of a single certified operator is achieving the performance requirements and limits in the:
- (A) assigned permit;
 - (B) local ordinances; and
 - (C) other applicable regulatory requirements.

(c) An apprentice shall not be designated as the certified operator in responsible charge of a wastewater treatment plant.

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

(1) Information about each wastewater treatment plant under the responsible charge of a certified operator, including the:

- (A) name;
- (B) location; and
- (C) classification.

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

(3) The duties and responsibilities of the certified operator in responsible charge at each wastewater treatment plant.

(e) If a certified operator in responsible charge of a wastewater treatment plant does not meet the requirements of this section, or if the commissioner identifies concerns with the operation of the wastewater treatment plant under the supervision of the certified operator, the commissioner may initiate an action, including an enforcement action, to:

- (1) restrict the number of wastewater treatment plants under that certified operator's responsible charge;
- (2) specify the amount of time that the certified operator in responsible charge shall be required to spend in the operation of each wastewater treatment plant;
- (3) suspend or revoke the wastewater treatment plant operator's certificate in accordance with section 19 of this rule and [IC 13-18-11-8](#); or
- (4) require the certified operator to take specific action to correct violations of this section.

(Water Pollution Control Division; [327 IAC 5-23-7](#))

[327 IAC 5-23-8](#) Certified operator classifications

Authority: [IC 13-14-8](#); [IC 13-18-11-3](#); [IC 13-18-11-13](#)

Affected: [IC 13-18-11](#)

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

- (1) A Class I-SP certified operator is certified to operate wastewater treatment plants classified as Class I-SP.
- (2) A Class A-SO certified operator is certified to operate wastewater treatment plants classified as Class A-SO.
- (3) A Class I certified operator is certified to operate wastewater treatment plants classified as:
 - (A) Class I-SP;
 - (B) Class I;

- (C) Class A-SO; and
- (D) Class A.
- (4) A Class A certified operator is certified to operate wastewater treatment plants classified as:
 - (A) Class A-SO; and
 - (B) Class A.
- (5) A Class II certified operator is certified to operate wastewater treatment plants classified as:
 - (A) Class A-SO;
 - (B) Class A;
 - (C) Class I-SP;
 - (D) Class I; and
 - (E) Class II.
- (6) A Class B certified operator is certified to operate wastewater treatment plants classified as:
 - (A) Class A-SO;
 - (B) Class A; and
 - (C) Class B.
- (7) A Class III certified operator is certified to operate wastewater treatment plants classified as:
 - (A) Class A-SO;
 - (B) Class A;
 - (C) Class I-SP;
 - (D) Class I;
 - (E) Class II; and
 - (F) Class III.
- (8) A Class C certified operator is certified to operate wastewater treatment plants classified as:
 - (A) Class A-SO;
 - (B) Class A;
 - (C) Class B; and
 - (D) Class C.
- (9) A Class IV certified operator is certified to operate wastewater treatment plants classified as:
 - (A) Class A-SO;
 - (B) Class A;
 - (C) Class I-SP;
 - (D) Class I;
 - (E) Class II;
 - (F) Class III; and
 - (G) Class IV.
- (10) A Class D certified operator is certified to operate wastewater treatment plants classified as:
 - (A) Class A-SO;
 - (B) Class A;
 - (C) Class B;
 - (D) Class C; and
 - (E) Class D.

(Water Pollution Control Division; [327 IAC 5-23-8](#))

[327 IAC 5-23-9](#) Certified operator educational and experience requirements

Authority: [IC 13-14-8](#); [IC 13-18-11-3](#); [IC 13-18-11-13](#)

Affected: [IC 13-18-11](#)

Sec. 9. (a) 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) Three (3) months of full-time acceptable experience at 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) Nine (9) months of full-time 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) Two (2) years of full-time 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 full-time acceptable experience with two (2) of the three (3) years 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.

(5) Class IV and Class D certified operator applicants must have attained the following:

(A) One (1) or more of the following educational degrees:

(i) A bachelor's degree with a major in engineering, chemistry, or a biological science.

(ii) An associate degree in a curriculum related to wastewater treatment.

(B) Five (5) years of full-time acceptable experience with two (2) of the five (5) years 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.

(b) In Class III, Class C, Class IV, and Class D wastewater treatment 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 to meet the requirements of subsection (a)(4) and (a)(5).

(c) Part-time experience will be credited at a proportionally lower rate.

(d) Educational and experience requirements may be met by substitution of other education or experience in accordance with section 10 of this rule.

(Water Pollution Control Division; [327 IAC 5-23-9](#))

[327 IAC 5-23-10](#) Substitution of educational and experience requirements

Authority: [IC 13-14-8](#); [IC 13-18-11-3](#); [IC 13-18-11-13](#)

Affected: [IC 13-18-11](#)

Sec. 10. (a) The department may make substitutions for education and experience provided in the application if the minimum requirements for the desired classification of operator certification in section 9 of this rule are not met.

(b) Education used to meet the minimum educational requirement cannot be applied toward a substitution to meet the experience requirement in section 9 of this rule.

(c) Acceptable experience that exceeds the minimum experience requirements can be substituted for the educational requirement of a given classification in section 9 of this rule.

(d) The department shall consider the following information in determining if a substitution is approvable:

(1) Subject matter of course work completed and how it relates to wastewater treatment.

(2) Hours of course work completed that are 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) Other information relevant to the ability of the applicant to perform the duties of a certified operator.

(e) In accordance with [327 IAC 8-12-3.2\(e\)](#), Grade WT 3, Grade WT 4, and Grade WT 5 operators are considered to have met the educational requirements necessary to take the Class A-SO wastewater treatment certification examination.

(Water Pollution Control Division; [327 IAC 5-23-10](#))

[327 IAC 5-23-11](#) Requirements to become an apprentice or a certified operator

Authority: [IC 13-14-8](#); [IC 13-18-11-13](#)

Affected: [IC 13-18-11-6.5](#)

Sec. 11. (a) To become a wastewater treatment plant apprentice, a person must:

- (1) submit a completed form approved by the Indiana archives and records administration (IARA), as described in subsection (f) or (g), to the department for approval; and
- (2) upon approval by the department, pass the corresponding classification of wastewater treatment certification examination.

(b) To be approved to become a wastewater treatment certified operator, a person must:

- (1) have the formal education specified in section 9 of this rule;
- (2) have the experience specified in section 9 of this rule in the field of wastewater treatment that:
 - (A) demonstrates the 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;
- (3) submit a completed application on a form approved by the IARA for use by the department, as described in subsection (g), to the department for approval; and
- (4) pass the wastewater treatment certification examination, unless exempted under [IC 13-18-11](#).

(c) A person may qualify for a reciprocal license under section 18 of this rule to become a certified operator.

(d) A person may take the wastewater treatment certification examination before obtaining the educational and experience requirements specified in section 9 of this rule and become an apprentice for a specific classification of wastewater treatment plant. Upon passing the examination, the applicant will be issued an apprentice certificate and card which will be effective for not more than six (6) years.

(e) A person who fails to achieve a minimum passing score on the wastewater treatment certification examination may retake the examination in accordance with the following:

- (1) The person shall submit a new application and fee for approval to take the examination.
- (2) Prior to resubmitting an application or being allowed to retake the examination, a person who has failed the examination three (3) consecutive times may be required to attend and pass a technical examination preparation course that:
 - (A) is approved by the department;
 - (B) is directly related to wastewater treatment; and
 - (C) includes a minimum of eight (8) hours of instruction.
- (3) The person must submit the documentation required in this section on a form approved by the IARA for use by the department, as described in subsection (f) or (g).

(f) An applicant applying to become an apprentice must include the following information and fee on a form approved by the IARA for use by the department:

- (1) Classification requested.
- (2) A nonrefundable thirty dollar (\$30) application fee to the department.
- (3) Contact information and date of birth for the applicant.
- (4) Information about previous Indiana applications and current certification information for an applicant who is a certified operator, if applicable.

(g) An applicant applying to become a certified operator, or as an alternative option to subsection (f),

an applicant looking to become an apprentice must provide the following information and fee on a form approved by the IARA for use by the department:

- (1) Type of certification and classification requested.
- (2) A nonrefundable thirty dollar (\$30) application fee to the department.
- (3) Contact information and date of birth for the applicant.
- (4) Information about previous Indiana applications and current certification information for an applicant who is a certified operator, if applicable.
- (5) Information on educational background for the applicant.
- (6) Information on specialized training or classes relevant to the certification.
- (7) Information on operational experience history for the applicant.
- (8) Information on responsible charge experience for the applicant.
- (9) Signed statements by the applicant and the applicant's supervisor.

(h) For certification renewals, the commissioner shall complete 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 thirty dollar (\$30) nonrefundable fee required for certification card renewal.

(2) Notify operators of the need to renew the certification card:

- (A) at least thirty (30) days before the expiration of the certification card; and
- (B) to the last known address or electronic mail address filed with the commissioner.

(i) To renew a certification card, a certified wastewater treatment plant operator shall:

- (1) meet the continuing education requirements of section 14 of this rule;
- (2) submit the renewal fee; and
- (3) either:
 - (A) sign and return the renewal notification to the commissioner; or
 - (B) submit the complete renewal application electronically.

(j) The commissioner shall deny renewal of a certification card that is not renewed within the time limit established in this section and [IC 13-18-11-6.5\(c\)](#).

(k) Except for an allowance of up to twelve (12) months from the end date of deployment by the U.S. military, a wastewater treatment plant operator who fails to renew a certificate for more than one (1) year following the expiration date may not receive a renewal certificate without reexamination.

(l) A certified operator whose certification has expired may not work as an operator in responsible charge until the certification is renewed or reinstated and effective.

(Water Pollution Control Division; [327 IAC 5-23-11](#))

[327 IAC 5-23-12](#) Application for an apprentice to become a certified operator

Authority: [IC 13-14-8](#); [IC 13-18-11-3](#); [IC 13-18-11-13](#)

Affected: [IC 13-18-11](#)

Sec. 12. (a) An apprentice is required to fulfill the following requirements to become a certified operator:

- (1) Meet the educational and experience requirements in section 9 of this rule that are applicable to the class of examination that the apprentice passed.
- (2) Fulfill the continuing education requirement in section 14(a) of this rule.
- (3) Complete a certification application on a form approved by the Indiana archives and records administration (IARA) for use by the department, as described in subsection (d), that:
 - (A) contains true and accurate information to the best of the knowledge of the apprentice; and
 - (B) is free of omissions and misrepresentations, either of which may result in rejection of the application or revocation of a certificate previously granted.
- (4) Submit a completed certification application and fee to the commissioner not later than six (6) years after the date of successfully completing the wastewater treatment certification examination.

(b) If an apprentice does not fulfill the requirements of subsection (a) and receive certification as a certified operator within six (6) years, then to become a certified operator, the apprentice must submit a complete application on a form approved by the IARA for use by the department, as described in subsection (d), to retake the examination and obtain a passing score.

(c) Upon receipt of a complete application, the commissioner shall do the following:

- (1) Review a certification application and supporting documents and make a decision concerning the eligibility of an apprentice for wastewater treatment plant operator certification.
- (2) Issue a wastewater treatment plant operator certificate designating competency in the appropriate wastewater treatment classification to each apprentice who:
 - (A) submits a complete and timely application;
 - (B) meets the necessary requirements of education, experience, and continuing education; and
 - (C) has successfully completed the appropriate examination within the prior six (6) years.

(d) An apprentice seeking to become a certified operator must complete a form approved by the IARA for use by the department and submit a request for certification to the department with the following information and fee:

- (1) Type of classification requested and apprentice card number with the expiration date.
- (2) Contact information and date of birth for the applicant.
- (3) Information about previous Indiana applications and current certification information for an applicant that is a certified operator, if applicable.
- (4) Indicate if the applicant has ever been the subject of a wastewater license suspension or revocation proceeding or investigation, and if so, include the following:
 - (A) Date of the investigation or proceeding.
 - (B) Result of the investigation or proceeding.
- (5) Information on educational background for the applicant, including original transcripts, if applicable.
- (6) Information on continuing education relevant to certification.
- (7) Information on operational experience history for the applicant.
- (8) Information on responsible charge experience for the applicant.
- (9) Signed statements by the applicant and the applicant's supervisor.

(Water Pollution Control Division; [327 IAC 5-23-12](#))

[327 IAC 5-23-13](#) Examinations

Authority: [IC 13-14-8](#); [IC 13-18-11-13](#)

Affected: [IC 13-18-11](#)

Sec. 13. (a) The department shall prepare and maintain a standardized examination to reflect the duties and responsibilities required of each classification of wastewater treatment plant operator as follows:

- (1) The examination must include questions that demonstrate the knowledge, ability, and judgment of the applicant to do the following:
 - (A) Read and write the English language for the purpose of:
 - (i) interpreting service manuals and work orders; and
 - (ii) submitting reports.
 - (B) Make computations, including calculating volumes and areas.
 - (C) Keep accurate records.
- (2) The examination must be conducted at least annually.
- (3) The examination may be administered:
 - (A) electronically; and
 - (B) through an independent third party administrator approved by the commissioner.

(b) A person seeking to take the examination must meet the following requirements:

- (1) Complete an application on a form approved by the Indiana archives and records administration (IARA) for use by the department as described in section 11(g) of this rule, or complete an application on a form approved by the IARA for use by the department as described in section 11(f) of this rule, as appropriate, that:

- (A) contains true and accurate information to the best of the knowledge of the applicant; and
- (B) is free of omissions and misrepresentations, either of which may result in:
 - (i) rejection of the application; or
 - (ii) revocation of a certificate previously granted.

(2) Submit the application and fee to the commissioner as follows:

- (A) If applying to take the examination administered on paper, the application must be submitted not later than forty-five (45) days preceding the date of the examination.
 - (B) If applying to take the examination electronically, there is no application deadline.
- (3) The fee described herein is separate and distinct from a fee that may be charged to the applicant by the authorized third party administrator for taking the examination.

(c) The commissioner shall:

- (1) review the application and supporting documents concerning the eligibility of the applicant for wastewater treatment certification examination; and
- (2) when an application demonstrates the applicant meets all of the requirements, issue a written notification in the form of an admission slip:
 - (A) providing the time and place of the examination to be presented by the applicant at the examination; or
 - (B) authorizing the applicant to schedule a location and time for the electronic examination with the approved independent third party administrator.

(d) An applicant who has received an approval letter to take an examination may submit a written request to the commissioner for a postponement to take the examination as follows:

- (1) Only one (1) postponement for each applicant is allowed.
- (2) The written request for postponement must be submitted prior to the expiration date of the approval letter:
 - (A) except in the case of a demonstrated emergency; or
 - (B) when a person is prevented from taking the examination in a timely manner due to U.S. military deployment.

(e) An applicant who has received an approval letter to take an examination is considered to have failed that examination if any of the following occurs:

- (1) The applicant:
 - (A) does not attend the examination; and
 - (B) has not requested a postponement in accordance with subsection (d).
- (2) The applicant is caught cheating on an examination, which will make an applicant ineligible to take a wastewater operator certification examination for a period of two (2) years following the examination date.
- (3) The applicant scores less than seventy percent (70%) correct answers.

(f) The commissioner shall manage completed examinations as follows:

- (1) The commissioner shall notify an applicant of the examination result in writing or electronically.
- (2) The commissioner and the third party administrator shall retain examination papers or electronic records with an opportunity afforded to an applicant for review of the graded examination up to ninety (90) days after the date the applicant completed the examination if the applicant submits the following to the commissioner:
 - (A) A written or electronic 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 or transmit, by any means, the examination or any portion of it.

(g) A person previously certified as a wastewater treatment plant operator in accordance with this rule who has failed to meet the renewal requirements in section 11(h) of this rule must fulfill the following to obtain a new certification:

- (1) Meet the qualifications of this rule.
- (2) Except as described in subsection (h), retake an examination and achieve a passing score.

(h) A person who was prevented from taking the examination in subsection (g)(2) in a timely manner due to U.S. military deployment may request a waiver from the requirement to retake the examination for

a period not to exceed twelve (12) months from the end date of the deployment.

(i) A person who obtains a wastewater treatment plant operator certification by reciprocal recognition or a provisional wastewater treatment plant operator certificate in accordance with section 18 of this rule is not required to take an examination.

(Water Pollution Control Division; [327 IAC 5-23-13](#))

[327 IAC 5-23-14](#) Continuing education requirements for apprentices and certified operators

Authority: [IC 13-14-8](#); [IC 13-18-11-13](#)

Affected: [IC 13-18-11](#)

Sec. 14. (a) Prior to receiving a license as a certified operator, an apprentice shall earn cumulative contact hours based on the number of years the apprentice classification is held as follows:

(1) An Apprentice I-SP and Apprentice A-SO must earn the following minimum contact hours, including the portion required to be technical contact hours:

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
Total Contact Hours	2.5	5	7.5	10	12.5	15
Technical Portion Contact Hours	2.0	3.5	5.5	7	9	11

(2) An Apprentice I, Apprentice A, Apprentice II, and Apprentice B must earn the following minimum contact hours, including the portion required to be technical contact hours:

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
Total Contact Hours	5	10	15	20	25	30
Technical Portion Contact Hours	3.5	7.5	11	14	17.5	21

(3) An Apprentice III, Apprentice C, Apprentice IV, and Apprentice D must earn the following minimum contact hours, including the portion required to be technical contact hours:

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
Total Contact Hours	10	20	30	40	50	60
Technical Portion Contact Hours	7	14	21	28	35	42

(b) Prior to renewing a certification card, a certified operator shall earn the following minimum number of contact hours, including the portion required to be technical contact hours, during the period of time between the effective date and expiration date of the certification:

Certified Operator Classification	Total Contact Hours	Technical Portion Contact Hours
Class I-SP	8	6
Class A-SO	8	6
Class I	15	11
Class A	15	11
Class II	15	11
Class B	15	11
Class III	30	21
Class C	30	21
Class IV	30	21
Class D	30	21

(c) A person having more than one (1) apprenticeship or operator certification may receive contact hours from a single approved continuing education course to be applied to each apprenticeship or operator certification to which the subject matter is applicable.

(Water Pollution Control Division; [327 IAC 5-23-14](#))

[327 IAC 5-23-15](#) Approval of continuing education credit

Authority: [IC 13-14-8](#); [IC 13-18-11-13](#)

Affected: [IC 13-18-11](#)

Sec. 15. (a) The commissioner shall only approve continuing education contact hour credit that meets the criteria of:

- (1) section 16 of this rule; or
- (2) subsection (b).

(b) The following procedures apply to a certified operator seeking contact hour credit for a course that is not approved under section 16 of this rule:

- (1) The training course provider must submit a petition using a form approved by the Indiana archives and records administration (IARA) for use by the department, as described in subsection (f), prior to course completion or as soon as practical afterwards but not later than ninety (90) days after training completion.
- (2) The petition must contain the information required by section 16(a)(2) of this rule.
- (3) The certified operator must supply written proof of attendance at the wastewater treatment continuing education course within ninety (90) days following course completion.
- (4) A person who is prevented from submitting documentation of course attendance in a timely manner due to U.S. military deployment may submit the documentation within a period not to exceed twelve (12) months from the end date of the deployment.

(c) The commissioner shall not grant credit for a course that has been repeated within a renewal period.

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

(e) The commissioner shall not grant partial credit for participation in less than a complete wastewater treatment continuing education course for:

- (1) instructors;
- (2) speakers; or
- (3) students.

(f) As required under subsection (b), the following information must be included on a form approved by the IARA for use by the department:

- (1) Indicate if the applicant is an operator or an apprentice.
- (2) Training course approval number.
- (3) Technical contact hours and general contact hours earned.
- (4) Information on the continuing education course, including the total number of contact hours attended and verified by the instructor and training course provider.
- (5) Information on continuing education credit hours to be applied.
- (6) Signed statements by the applicant and instructor.

(Water Pollution Control Division; [327 IAC 5-23-15](#))

[327 IAC 5-23-16](#) Training course provider approval and requirements

Authority: [IC 13-14-8](#); [IC 13-18-11-13](#)

Affected: [IC 13-18-11](#)

Sec. 16. (a) To obtain approval to provide continuing education credit courses, a training course provider shall meet the following requirements:

- (1) The training course provider shall submit an application and receive continuing education course approval from the commissioner before publicly offering a wastewater treatment continuing education course.
- (2) The application must be:

- (A) submitted not later than ninety (90) days after training completion in order to be considered for approval;
- (B) accompanied by a written course outline or brochure; and
- (C) submitted on a form approved by the Indiana archives and records administration for use by the department and contain:
 - (i) the name, address, telephone number, and electronic mail address of the 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 number of technical and general whole or half contact hours being requested;
 - (vi) the instructor's name and qualifications, including:
 - (AA) educational background;
 - (BB) professional experience; and
 - (CC) current professional affiliations;
 - (vii) the schedule, anticipated locations, and number of times the training is anticipated to be offered;
 - (viii) the method of training delivery, such as:
 - (AA) onsite lecture;
 - (BB) electronic means; or
 - (CC) other means as specified by the training course provider;
 - (ix) the method of attendance verification for record keeping and reporting, such as:
 - (AA) sign in and sign out sheets;
 - (BB) electronic tracking;
 - (CC) date stamping; or
 - (DD) other means as specified by the training course provider; and
 - (x) an applicant's signature indicating that all information provided is accurate.

(3) The continuing education course must meet the following requirements:

- (A) The course deals with one (1) or more of the following matters 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 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.
- (B) Each instructor and speaker is qualified by academic work or practical experience to teach the proposed wastewater treatment continuing education course.

(b) The training course provider may award contact hours in full or half hour increments based on the length of the instructional session.

(c) A training course provider shall generate records of each wastewater treatment continuing education course conducted that include the following:

- (1) The date or dates 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 number of technical and general hours in the course.
- (5) The instructor's name.
- (6) The course name and approval number.
- (7) The name of the organization sponsoring the course.

(d) Records required by subsection (c) must be maintained for a four (4) year period following the presentation of each wastewater treatment continuing education course.

(e) A training course provider must submit the information required by subsection (c) to the commissioner; information not included on the form described in subsection (a)(2)(C) must be submitted as a supplement or an attachment to the form within ninety (90) days of the conclusion of the wastewater treatment continuing education course.

(Water Pollution Control Division; [327 IAC 5-23-16](#))

[327 IAC 5-23-17](#) Certificates and certification cards

Authority: [IC 13-14-8](#); [IC 13-18-11-4](#); [IC 13-18-11-13](#)

Affected: [IC 13-18-11-6.5](#)

Sec. 17. (a) A wastewater treatment plant operator certificate:

- (1) is issued after an applicant successfully completes the examination for the appropriate classification;
- (2) must specify the:
 - (A) month and year that the applicant qualified; and
 - (B) date the certificate was issued;
- (3) must be validated by a current certification card; and
- (4) is not valid if obtained through:
 - (A) fraud;
 - (B) deceit; or
 - (C) the submission of incomplete or inaccurate data on the examination application.

(b) A certification card:

- (1) may be issued for a time period of not more than thirty-six (36) months; and
- (2) expires on the date printed on the card.

(c) To obtain a replacement or duplicate certificate, a certified operator shall submit a written request to the commissioner, including the following information:

- (1) The class of the wastewater treatment plant operator.
- (2) The date of issuance of the original certificate, if known.
- (3) The certificate number.

(Water Pollution Control Division; [327 IAC 5-23-17](#))

[327 IAC 5-23-18](#) Reciprocity and provisional certificates

Authority: [IC 13-14-8](#); [IC 13-18-11-13](#)

Affected: [IC 13-18-11-9](#); [IC 13-18-11-12](#)

Sec. 18. (a) The commissioner may issue a certificate to a person from another state or U.S. territory by reciprocity if the requirements of [IC 13-18-11-9](#) are met and the person submits a complete application on a form approved by the Indiana archives and records administration (IARA) for use by the department that includes the following information and fee:

- (1) Type of certification and classification requested.
- (2) Provide a nonrefundable thirty dollar (\$30) application fee to the department.
- (3) Proof of current certification from another state or U.S. territory.
- (4) Contact information and date of birth for the applicant.
- (5) Information about previous Indiana applications and current certification information for an applicant that is a certified operator, if applicable.
- (6) Provide the following information on the applicant's current certification in another state:
 - (A) Certification number and expiration date.
 - (B) Whether the certificate was obtained by a written examination.
 - (C) State contact person and contact information.
 - (D) Mailing address.
- (7) Information on educational background for the applicant.
- (8) Information on specialized training or classes relevant to the certification.
- (9) Information on operational experience history for the applicant.
- (10) Information on responsible charge experience for the applicant.
- (11) Signed statements by the applicant and the applicant's supervisor.

(b) For a certification renewal, a person that was issued a certificate through reciprocity must meet the requirements in section 11(h) of this rule in order to renew the certificate in the future, including continuing education requirements.

(c) A provisional wastewater treatment plant operator certificate is available in accordance with [IC 13-18-11-12](#) and requires a person to submit an application to the department using the following steps:

(1) The governing body or owner shall submit a written request stating the reason a provisional certification is needed to fill a vacant certified operator in responsible charge position, such as:

- (A) resignation;
- (B) retirement;
- (C) extended illness;
- (D) death;
- (E) suspension;
- (F) revocation; or
- (G) other cause.

(2) The written request required by subdivision (1) must include a completed application on a form approved by the IARA for use by the department, as described in subsection (d), demonstrating that the provisional certificate nominee currently meets the educational and experience requirements for the appropriate class of certification.

(d) A person nominated to be a wastewater treatment plant provisional operator must complete a form approved by the IARA for use by the department. The form provided by the department shall require the submittal of the following information and fee:

- (1) Type of certification and classification requested.
- (2) Provide a nonrefundable thirty dollar (\$30) application fee to the department.
- (3) Contact information and date of birth for the applicant.
- (4) Information about previous Indiana applications and current certification information for an applicant that is a certified operator, if applicable.
- (5) Information on educational background for the applicant.
- (6) Information on specialized training or classes relevant to certification.
- (7) Information on operational experience history for the applicant.
- (8) Information on responsible charge experience for the applicant.
- (9) Signed statements by the applicant and the applicant's supervisor.

(e) The commissioner shall issue a provisional certificate to the applicant:

- (1) in the form of a letter that specifies the conditions of the certification; and
- (2) that is valid for a period of ninety (90) days with a maximum extension period not to exceed a total of one (1) year.

(f) The provisional certificate must include the following:

- (1) An examination admission letter authorizing the nominee to schedule an examination within the ninety (90) day term of the provisional certificate.
- (2) Discontinuation of the nominee acting as a provisional operator if the nominee does not obtain a passing score on the examination.

(Water Pollution Control Division; [327 IAC 5-23-18](#))

[327 IAC 5-23-19](#) 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. 19. (a) The commissioner may suspend or revoke the wastewater treatment certificate of a certified operator or apprentice in accordance with [IC 13-18-11-8](#).

(b) During the period of certification suspension or revocation, a wastewater treatment plant operator whose operator certificate has been 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) Perform laboratory analysis on samples to be used for compliance purposes.
- (6) Be a training provider or course instructor of a continuing education course.

(c) A wastewater treatment plant operator or apprentice whose certificate has been suspended may apply for reinstatement in accordance with the following:

- (1) The period of suspension must have 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 contact hours that would have been required for the operator classification during the period of the suspension of the operator's certificate have been met.

(d) A wastewater treatment plant operator whose certificate has been revoked may apply to the commissioner for recertification after a five (5) year period has elapsed following the effective date of the revocation.

(e) If the commissioner determines that cause exists to allow recertification, the wastewater treatment plant operator must:

- (1) qualify in accordance with this rule, including:
 - (A) having earned the number of contact hours that would have been required for the operator classification during the period of the revocation of the certification; and
 - (B) not using work experience that was the cause of the certification being revoked to be counted as creditable experience; and
- (2) take the certification examination for the classification requested for recertification and obtain a passing score on the examination.

(f) An apprentice whose certificate has been revoked may apply to the commissioner for a new apprentice certificate after a five (5) year period has elapsed following the effective date of the revocation.

(g) If the commissioner determines that cause exists to allow the issuance of a new apprentice certificate, the person must reapply in accordance with section 11 of this rule.

(Water Pollution Control Division; [327 IAC 5-23-19](#))

SECTION 2. [327 IAC 5-22](#) IS REPEALED.

[Notice of Public Hearing](#)

Posted: 02/22/2023 by Legislative Services Agency
An [html](#) version of this document.