

PROPOSED RULEMAKING

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CHS. 301, 302, 303 AND 305]

Administration of the Water and Wastewater Systems Operators' Certification Program

The Environmental Quality Board (Board) proposes to rescind Chapters 301, 303 and 305 (relating to general provisions; certification of operators; and plant requirements) and create a new Chapter 302 (relating to administration of the water and wastewater systems operations' certification program). These regulations describe the process the State Board for Certification of Water and Wastewater System Operators (Certification Board) will follow to administer the program and identify the duties and responsibilities of the Department of Environmental Protection (Department) and the operators and owners of this Commonwealth's drinking water and wastewater treatment systems. These regulations also establish standards for operator certification, recertification, certification renewal and security training; define the certification renewal period and requirements for certification renewal; establish appropriate fees; and define classifications and subclassifications for certification.

This proposal was adopted by the Board at its meeting of April 21, 2009.

A. *Effective Date*

These proposed amendments will go into effect upon publication in the *Pennsylvania Bulletin* as final-form rulemaking.

B. *Contact Persons*

For further information, contact Veronica Kasi, Chief, Division of Technical and Financial Assistance, P. O. Box 8467, Rachel Carson State Office Building, Harrisburg, PA 17105-8467, (717) 772-4053 or Marc Roda, Attorney, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Information regarding submitting comments on this proposal appears in Section J of this preamble. Persons with a disability may use the Pennsylvania AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposal is available electronically through the Department's web site at www.depweb.state.pa.us.

C. *Statutory Authority*

The proposed rulemaking is being made under the authority of section 4(c) of the Water and Wastewater Systems Operators' Certification Act (63 P.S. § 1004(c)) (act), which directs the adoption of rules and regulations necessary to implement the act.

D. *Background and Purpose*

This proposed rulemaking describes the policies and procedures the Certification Board will follow to implement their responsibilities and duties under the act. This includes the procedures to be followed by applicants to become certified for the first time, to renew their certification, and to apply for reciprocity based on certification received from another state. The regulations also describe the procedure the Certification Board will follow for the review of all applications for certification, including the review of criminal history records. The regulations also

define requirements for the suspension or revocation of an operator's certification, upon petition by the Department and for the review of Department decisions related to operator training programs and courses.

The proposed rulemaking also establishes the standards and requirements for operators of water and wastewater systems to become certified and maintain their certification. It also establishes the duties and responsibilities of operators and owners related to the operation of a community or nontransient noncommunity water system, water distribution system, wastewater treatment system treating more than 2,000 gallons per day (gpd) and a satellite wastewater collection system with a pump station. The role and responsibilities of the Department and the procedures it must follow to implement these duties are also defined. Finally, the procedure for establishing fees for program administration is established.

The proposed rulemaking ensures that Pennsylvania's Operator Certification Program continues to meet the new Federal requirements established in the 1996 Amendments to the Federal Safe Drinking Water Act (SDWA) for all State drinking water programs. This proposed rulemaking is more stringent than the Federal guidelines in one area. The Federal guidelines apply only to drinking water system operators; this proposed rulemaking also applies to wastewater system operators. The decision to include wastewater system operators in the new requirements was made early in the process by the Certification Board and the Department after significant public input. This was done to improve program consistency and implementation.

The Department and the Certification Board worked very closely with the Small Systems Technical Assistance Center for Small Systems (TAC) and the Certification Program Advisory Committee (CPAC) to draft Chapter 302. All elements of the overall structure of the Operator Certification Program were discussed in-depth with the respective committees. This resulted in consensus on the essential requirements and standards for certification and the roles and responsibilities of operators and system owners.

E. *Summary of Regulatory Requirements*

The proposed rulemaking rescinds Chapters 301, 303 and 305 and replaces them with new language in Chapter 302. It also establishes the administrative requirements for:

- Conducting the Certification Board administrative hearings.
- Processing certification, certification renewal and recertification applications.
- Administering certification examinations.
- Reviewing and acting on an operator's criminal history records.

This proposed rulemaking ensures that Pennsylvania's Operator Certification Program meets the new Federal requirements established in the 1996 Amendments to the SDWA for all State drinking water programs. This proposed rulemaking is more stringent than the Federal guidelines in one area. The Federal guidelines apply only to drinking water system operators; this proposed rulemaking also applies to wastewater system operators. The decision to include wastewater system operators in the

new requirements was made early in the process by the Certification Board and the Department after significant public input. This was done to improve program consistency and implementation. Consistent with these Federal guidelines, this proposed rulemaking defines the:

- Classification and subclassification method for approximately 10,000 system operators and their treatment systems.
- Minimum education, experience and examination requirements for all operators to become certified.
- Requirements and conditions that must be met to maintain certification.
- Duties and responsibilities of operators and owners related to the operation of a community or nontransient noncommunity water system, water distribution system,

wastewater treatment system treating more than 2,000 gpd, and a satellite wastewater collection system with a pump station.

To support the administration of the Operator Certification Program, the proposed rulemaking includes fees for system owners, training providers, approved examination providers and operators. The Department developed the new fee structure with input from TAC, CPAC, the Certification Board and individual stakeholders. A major focus of the discussions that was incorporated into the structure was the necessity for all entities to pay a fair share of the program costs. The comments received from these meetings were provided to the Board, as well as written comments submitted by the Pennsylvania Rural Water Association and the Eastern Pennsylvania Water Pollution Control Operators Association. The final proposed fee structure is summarized in Table 1.

Table 1. Summary of Fees

<i>Fee</i>	<i>Entity Paying Fee</i>	<i>Amount</i>
Training Provider Approval	Training Provider	\$90
Full Course Approval	Training Provider	\$300
Brief Course Approval	Training Provider	\$115
Conference Approval	Training Provider	\$70
Course Rosters (fee per name)	Training Provider	\$1
10 or more examination sessions per year	Approved Examination Provider	\$800
5 to 10 examination sessions per year	Approved Examination Provider	\$700
2 to 5 examination sessions per year	Approved Examination Provider	\$600
1 examination session per year	Approved Examination Provider	\$400
New License (3 yr)	Operator	\$150
License Renewals (3 yr)	Operator	\$60
Exam Session (per 4 hrs)	Operator	\$35
Postpresentation Credit Application Fee	Operator	\$250
Annual Service Fee	Class A Systems (> 5 mgd)	\$500
	Class B Systems (1 to 5 mgd)	\$150
	Class C Systems (100,000 gpd to 1 mgd)	\$100
	Class D Systems (< 100,000 gpd)	\$ 65
	Class E Systems	\$ 65
Department Classroom Courses	Course attendees	\$10 per hour
Department Web-based Courses	Course attendees	\$30 per hour
Department Onsite Training	Systems asking for the training	\$1,600 per course

Note: To insure no person is covering a large percentage of the total costs, a maximum fee of \$10,000 is proposed. This fee structure results in 37% of the program costs covered by operators, 53% by systems and 10% by the training and examination providers.

The Board is specifically seeking public comment on one aspect of the Operator Certification Program, relating to reciprocity. The Board is proposing to grant reciprocity for only the Part 1 General Examination to operators

certified in other states. This would require any certified operator from another state to take the treatment technology specific examinations before being granted certification in this Commonwealth.

F. *Benefits, Costs and Compliance*

Benefits

The intended results of these regulations are to protect the environment, ensure the public's health and safety and promote the long-term sustainability of this Common-

wealth's drinking water and wastewater treatment systems by ensuring that certified operators with the appropriate knowledge, skills and abilities are available to make the necessary process control decisions. Therefore, the biggest beneficiary of these regulations is the general public.

The classification and subclassification frame work more accurately reflects what the operator needs to understand to operate a system effectively and successfully. This frame work was developed in partnership with representatives of the regulated community to meet their needs. In addition, in some instances, once certified, many operators will receive an increase in pay. Finally, the system owners may also benefit from cost savings realized through more effective and efficient operation of their water or wastewater system.

Implementation of these regulations will ensure continued approval of Pennsylvania's Operator Certification Program by the Environmental Protection Agency (EPA). This approval is reviewed on an annual basis. If the EPA chooses not to approve the program, the State stands to

lose approximately \$5.8 million per year in Federal funding for the State Revolving Loan Fund, administered by the Pennsylvania Infrastructure Investment Authority.

Compliance Costs

Individuals responsible for making process control decisions at a drinking water or wastewater treatment system in this Commonwealth must be appropriately certified for that system. A process control decision is any decision that changes or maintains water quality or water quantity to protect public health or the environment. Owners of a drinking water community or nontransient noncommunity water system, drinking water distribution system, wastewater treatment system treating more than 2,000 gpd or a satellite wastewater collection system with a pump station must designate at least one certified operator to make all the process control decisions for the system.

The estimated costs to the operator to comply with provisions of these regulations are summarized in Table 2.

Table 2. Estimated Costs to the Operator

<i>Requirement</i>	<i>Cost</i>	<i>Description / Comments</i>
Initial certification	\$150	Paid to the Department, this fee is incurred when a person submits an application to become a certified operator. This certification is valid for 3 years.
Certification Renewal	\$60	Paid to the Department, this cost is incurred once every 3 years after the initial certification period.
Examination fee: for both initial certification and certain upgrades to license	\$35 per examination session	Paid to the Department. Operators are allowed to take as many examinations as they think they can complete in 4 hours. Most operators are able to complete the necessary examinations needed for the more common treatment systems within one or two sessions.
Examination Provider Registration fee	Varies	Paid to the Approved Examination Provider. These fees are not established by the Department, however, we recommend less than \$100. Fees are designed to allow the Approved Examination Provider the ability to recover incurred costs.
Criminal History Record	\$10	One time fee charged by the Pennsylvania State Police.
Continuing Education	\$240—\$900	Paid to one of the Department's Approved Training Providers. Depends on number of hours needed and average cost per hour for training

These regulations propose to charge an annual service fee for system owners, based on the amount of flow the system is permitted to treat. The assessment of this fee is tied to the classification of the system and the certification class needed by the system owner's designated available operators. The maximum fee that any one owner of more than one system pays is \$10,000. This fee structure is summarized in Table 1. The only other cost for compliance for the owner is the actual costs for hiring a certified operator. The average cost to hire a certified operator is between \$30,000 and \$80,000 per year (based

on a limited survey of operators completed in 2003). It is strongly advised that owners hire more than one certified operator. However, unless there are problems at the system, this responsibility is left to the owner. If necessary, the Department does have the authority to order the owner to hire additional certified operators, to address specific environmental compliance problems. In addition, the owner may choose to cover the operator's costs for obtaining continuing education contact hours. This is an arrangement negotiated between the owners and their certified operators.

Compliance Assistance Plan

The Department is implementing a comprehensive training and compliance assistance strategy to assist operators and owners who are required to comply with provisions of the Operator Certification Program. This includes web-based training through the Department's EarthWise Academy, additional classroom training as needed, a comprehensive training approval process and packaged training programs. This comprehensive strategy is designed to take advantage of existing training expertise in the industry; and promote a market for training providers to meet the training needs of this program. Additional compliance assistance is available through the Drinking Water Capability Enhancement Program, the Wastewater Diagnostics Program and the Drinking Water and Wastewater Outreach Assistance Provider Programs.

Paperwork Requirements

The following is a list of paperwork requirements for the operator as established in Chapter 302. Beyond the operator's time and the program fees identified previously, there are no additional costs for this paperwork.

1. Certification Examination Registration Form (to register to take an examination).
2. Application for Certification Action (for certification, recertification, certification upgrade or certification through reciprocity).
3. Application for Certification Renewal (done once every 3 years).
4. Criminal History Report from the Pennsylvania State Police.
5. Application for Exemption (only needed if operator will not be able to complete requirements for initial certification or certification renewal due to extenuating circumstances such as military service or health problems).
6. The development and approval of standard operating procedures, if the operator and owner choose to utilize this tool to ensure all process control decisions are made by an available operator.
7. The development and approval of a process control plan that describes all the operational procedures for a drinking water or wastewater treatment system. This will only be required by the Department on a case-by-case basis; depending on the level of noncompliance at the system and the existence of equivalent plans, such as an operation and maintenance plan, an emergency response plan or standard operating procedures.
8. The development of a management plan, if an operator wants to serve as a circuit rider, where the individual is responsible for more than one drinking water or wastewater treatment system. The Management Plan identifies the systems, their characteristics, points of contact and the number of visits the operator will complete in a designated time frame. System specific plans must also be developed for each system to include procedures to be followed by personnel at the system when the circuit rider is not at the system.
9. The operator shall notify the owner in writing of any violations or potential violations at the system. Recommendations, if the operator has any, for resolving the problem should also be included.

The owner will need to report the names, addresses and level of certification of all operators designated as available operators for the system on an annual basis. Changes in available operators must be reported within 10 days. If the owner chooses to designate an operator in responsible charge to utilize standard operating procedures, the names, addresses and level of certification of these operators must also be reported to the Department on an annual basis.

Any training provider who would like to provide training to operators to meet the training or continuing education requirements must become an approved training sponsor, and have all courses approved. This process is documented in the "Training Provider Manual for the Pennsylvania Water and Wastewater System Operator Training Program," DEP ID: 383-2300-002.

An entity who would like to become an approved examination provider must become approved and comply with the Certification Board guidelines for the scheduling of examinations and the registration of applicants.

G. Pollution Prevention

The Pollution Prevention Act of 1990 (42 U.S.C. §§ 13101—13109) established a National policy that promotes pollution prevention as the preferred means for achieving State environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally-friendly materials, more efficient use of raw materials, and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance. These regulations were incorporated the following pollution prevention incentives:

By ensuring that qualified, certified operators are making all operational decisions in the Commonwealth's drinking water and wastewater treatment systems, pollution prevention efforts will be enhanced. The water and wastewater treatment system operator is the key element in overall process control. By improving the certified operator's capabilities, more effective treatment and removal of pollutants and better use of available resources will result. Testing and training programs are designed to focus on different ways the operator can more effectively operate their system to minimize and prevent pollution and conserve energy.

H. Sunset Review

These regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

I. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on June 30, 2009, the Department submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Environmental Resources and Energy Committees (Committees). In addition to submitting the proposed amendments, the Department provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the Department. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed regulations within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria that have not been met. The Regulatory Review Act specifies detailed procedures for review of these issues by the Department, the General Assembly and the Governor prior to final publication of the regulations.

J. Public Comments

Written Comments. Interested persons are invited to submit comments, suggestions or objections regarding the proposed rulemaking to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. The Board must receive any comments, suggestions or objections by August 10, 2009. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by August 10, 2009. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final regulation will be considered.

Electronic Comments. Comments may be submitted electronically to the Board at RegComments@dep.state.pa.us and must also be received by the Board by August 10, 2009. A subject heading of the proposal and a return name and address must be included in each transmission. If the sender does not receive an acknowledgement of electronic comments within 2 working days, the comments should be retransmitted to ensure receipt.

JOHN HANGER,
Chairperson

Fiscal Note: 7-433. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

PART II. STATE BOARD FOR CERTIFICATION OF SEWAGE TREATMENT PLANT AND WATERWORKS OPERATORS

CHAPTER 301. [Reserved]

§§ 301.1—301.3. (Reserved).

§§ 301.11—301.13. (Reserved).

CHAPTER 302. ADMINISTRATION OF THE WATER AND WASTEWATER SYSTEMS OPERATORS' CERTIFICATION PROGRAM

CHAPTER 303. [Reserved]

§§ 303.1—303.3. (Reserved).

§§ 303.11—303.14. (Reserved).

§§ 303.21—303.28. (Reserved).

§§ 303.31—303.34. (Reserved).

CHAPTER 305. [Reserved]

§§ 305.1—305.7. (Reserved).

(Editor's Note: As part of this proposal, the Environmental Quality Board is proposing to rescind the existing text of Chapters 301, 303 and 305, which currently appears in 25 Pa. Code pages 301-1—301-4, 303-1—303-11, and 305-1—305-3, serial pages (228347) to (228350), (252853), (252854), (281973), (281974), and (252857)—(252867). The following text is for a new Chapter 302 and printed in regular type to enhance readability.)

CHAPTER 302. ADMINISTRATION OF THE WATER AND WASTEWATER SYSTEMS OPERATORS' CERTIFICATION PROGRAM

Subch.

- A. GENERAL PROVISIONS
- B. GENERAL REQUIREMENTS FOR APPLICATIONS FOR CERTIFICATION ACTIONS
- C. BOARD PROCEDURES AND ACTIONS
- D. CRIMINAL HISTORY RECORDS
- E. ADMINISTRATIVE HEARINGS OF THE BOARD
- F. PREPARATION AND ADMINISTRATION OF CERTIFICATION EXAMINATIONS
- G. EDUCATION, EXAMINATION AND EXPERIENCE REQUIREMENTS
- H. CONTINUING EDUCATION AND TRAINING
- I. SYSTEM CLASSIFICATION AND SUBCLASSIFICATIONS
- J. OPERATOR CLASSES AND SUBCLASSIFICATIONS
- K. PROFESSIONAL ENGINEERS
- L. SYSTEM OPERATION

Subchapter A. GENERAL PROVISIONS

Sec.

- 302.101. Definitions.
- 302.102. Purpose.
- 302.103. Scope.

§ 302.101. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Accelerated certification—A method of upgrading a system's available operators' certificates to accommodate a change in the system's capacity or treatment technology.

Act—The Water and Wastewater Systems Operators' Certification Act (63 P. S. §§ 1001—1015.1).

Activated carbon adsorption—A water treatment process designed to improve the quality of water being treated by using activated granular or powdered carbon to remove specific organic chemical compounds by adsorption.

Activated sludge—The treatment technology that mechanically introduces air into wastewater to achieve microbiological suspended growth treatment such as extended aeration, sequential batch reactors, contact stabilization, conventional, step fed or oxidation ditch.

Administrative Code—The Administrative Code of 1929 (71 P. S. §§ 51—732).

Administrative hearing—A meeting of the Board, or Board-designated agent, held upon petition of the Department to revoke, suspend, modify or reinstate an operator's certificate in accordance with 2 Pa.C.S. Chapter 5 Subchapter A and Chapter 7 Subchapter A (relating to Administrative Agency Law).

Aeration—A water treatment process designed to improve the quality of water being treated by introducing air or oxygen into water to remove undesirable dissolved gases, to remove volatile organic compounds or to oxidize inorganic compounds so they can be removed as particulates.

Applicant—A person seeking certification as a water or wastewater system operator.

Application for certification action—A written request for the Board to take a certification action using approved Department forms.

Available operator—A certified operator who is onsite or able to be contacted as needed to make process control decisions in a timely manner to protect public health and the environment.

Bioperable operator—A certified operator who holds a valid certificate for both water and wastewater systems.

Bioperable training—Department-approved continuing education training that has content that is applicable to both water and wastewater systems.

Board—The State Board for Certification of Water and Wastewater Systems Operators.

Board-designated agent—A Board, or committee member who completes certain duties on behalf of the Board.

Board guidelines—The guidelines established to carry out the powers and duties of the Board. These guidelines are documented in the State Board for Certification of Water and Wastewater Systems Operator's Guidelines, "Operator Certification Program," DEP ID: 150-0200-002.

Board Secretary—A Department-recommended staff member who acts on behalf of the Board to implement administrative aspects of the program.

CHR—Criminal History Record—A report of criminal history record issued by the Pennsylvania State Police under 18 Pa.C.S. Chapter 91 (relating to criminal history record information).

Cartridge or bag filtration—For drinking water, a process for the purpose of substantial particulate removal by straining with bag or cartridge filters manufactured of various materials and pore sizes.

Certificate program—A type of Department-approved training.

Certification—The process by which an individual obtains a water or wastewater system operator's certificate.

Certification action—Action taken by the Board related to a certification examination or recertification or the issuance of an initial certificate, certificate renewal or certificate through reciprocity.

Certification Program Advisory Committee—The advisory committee created under the act.

Certified operator—An operator who holds a valid certificate in accordance with the act.

Chemical addition—A water treatment process designed to improve the quality of the water being treated through the addition of chemicals such as lime, soda ash, caustic soda and permanganate.

Circuit rider—A management program in which a certified operator may make process control decisions at more than one system of different ownership.

Class—An alphabetic letter assigned by the Department to a water or wastewater system based upon the classification of a system or an alphabetic letter assigned to an individual's certificate.

Classification—The size or type of a water or wastewater system.

Clean Streams Law—The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

Collection system—A system of pipelines or conduits, pumping stations and force or gravity mains used for collecting and conveying wastes to a point of treatment and disposal.

Community water system—A public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

Consecutive system—

(i) A public water system that obtains all of its water from another public water system and resells the water to a person, provides treatment to meet a primary maximum contaminant level or provides drinking water to an interstate carrier.

(ii) The term does not include bottled water and bulk water systems as defined in § 109.1 (relating to definitions).

Contact hour—The standard unit of measure for participation in a Department-approved education experience.

Continuing education—Approved activities to include training, outreach programs, contact hours, meetings, presentations and other activities designed to increase the knowledge, skills and abilities of system operators.

Conventional filtration—For drinking water, a series of processes implemented for the purpose of substantial particulate removal consisting of coagulation, flocculation, sedimentation and filtration.

Corrosion control and sequestering—A water treatment process designed to mitigate the adverse effects of corrosion in drinking water.

Diatomaceous earth filtration—For drinking water, a process for the purpose of substantial particulate removal, in which a precoat cake of diatomaceous earth filter media is deposited on a support membrane (septum) and, while the water is filtered by passing through the cake on the septum, additional filter media, known as body feed, is continuously added to the feed water, to maintain the permeability of the filter cake.

Direct filtration—

(i) For drinking water, a series of processes implemented for the purpose of substantial particulate removal consisting of coagulation and filtration.

(ii) The term normally includes flocculation after coagulation, but does not include sedimentation.

Distribution system—Pipelines, appurtenances, devices and facilities that convey potable water under pressure to customers.

Drinking water environmental laboratory supervisor—An individual having the knowledge, skills and abilities necessary to supervise laboratory procedures and the reporting of analytical data for an environmental laboratory operated by a drinking water system in accordance with industry, State and Federal standards.

Environmental laboratory—A facility engaged in the testing or analysis of environmental samples.

Environmental sample—A solid, liquid, gas or other specimen taken for the purpose of testing or analysis as required by an environmental statute.

Environmental statute—A statute administered by the Department relating to the protection of the environment or protection of public health, safety and welfare.

Examination—A test module or grouping of test modules administered by the Board or its designated agent used in part to determine the competency of applicants for certification or recertification.

Fee—A nonrefundable cost charged to an applicant assigned to cover the expenses of the program.

Fixed film treatment—A wastewater treatment technology that uses a fixed contact media to achieve treatment such as trickling filters and rotating biological contactors.

Gaseous chlorine disinfection—A water treatment process designed to inactivate pathogenic organisms from water being treated utilizing gaseous chlorine.

GED—General equivalency diploma.

Grandparented—The temporary exemption for an existing operator of an existing system, as of February 21, 2002, from the initial educational and examination requirements for certification where a system was not required by prior law to have a certified operator. A grandparented operator may be the operator in responsible charge.

Groundwater—Water beneath the surface of the ground that exists in a zone of saturation.

Hydraulic design capacity—The maximum monthly design flow at which a drinking water or wastewater system is expected to consistently provide the required treatment or at which a distribution or collection system is expected to properly function without creating a backup, surcharge or overflow.

Industrial wastewater treatment system—Any system that treats industrial waste or pollution, but not sewage, as those terms are defined in section 1 of The Clean Streams Law (35 P. S. § 691.1).

Ion exchange and greensand—A water treatment process such as greensand filtration, ion exchange or activated alumina designed to improve the quality of water being treated by removal of inorganic constituents.

Investigation—A detailed inquiry as to the nature, circumstances and official records regarding an applicant or certified operator's criminal conviction as identified in a criminal history record.

Master certificate—A certificate authorizing an operator to make process control decisions at any water or wastewater system of a specific size, regardless of the treatment technology subclassifications used by that system.

Membrane filtration—For drinking water, a process that uses a thin film that acts as a selective barrier (semipermeable) to the transport of matter to remove contaminants from water and includes such processes as electro dialysis, reverse osmosis, nanofiltration, ultrafiltration, microfiltration or other similar technologies.

NPDES—The National Pollutant Discharge Elimination System as authorized under section 402 of the Federal Clean Water Act (33 U.S.C.A. § 1342).

Nongaseous chemical disinfection—A water treatment process designed to inactivate pathogenic organisms from water being treated utilizing nongaseous chemical elements or compounds.

Noncommunity water system—A public water system which is not a community water system.

Nontransient noncommunity water system—A noncommunity water system that regularly serves at least 25 of the same persons over 6 months per year.

Operator—

(i) An individual who works with water or wastewater system processes or portions thereof.

(ii) The term includes, but is not limited to, an individual who may be gaining experience to obtain certification in appropriate subclassifications within classifications of certification. These individuals will have a working knowledge of system operation.

Operator-in-responsible-charge—An individual designated by the owner to be the certified operator who makes the process control decisions that directly impact the quality and or quantity of water.

Operator-in-training—An applicant for certification who has passed the certification examination but does not meet the experience requirements.

Order of the Department—An order of the Department issued under section 4(b)(2) of the act (63 P. S. § 1004(b)(2)) and also include orders of the Department issued under section 4(b)(1.1) of the act.

Owner—A person who owns or is the holder of an applicable permit for the operation of a water or wastewater system.

Ozonation—The water treatment process designed to inactivate pathogenic organisms from water being treated utilizing ozone.

Permitted average daily discharge flow—The hydraulic design capacity of a wastewater treatment system.

Person—

(i) An individual, company, corporation, political subdivision, municipality, municipal authority, partnership, firm, association, trust, estate, public or private institution, or any agency of Federal or State government.

(ii) The term also includes the officers, directors, employees and agents of any partnership, firm, association, company, corporation, municipality, municipal authority, public or private institution or any agency of Federal or state government.

Petition—A written request from the Department to the Board to take an action to modify, suspend, revoke or reinstate a certified operator's certificate.

Political subdivision—Any county, city, borough, town, township, school district, institution or any authority created by any one or more of the foregoing.

Postpresentation credit—Precertification or continuing education credit for a training course not previously approved by the Department. An operator may obtain postpresentation credit upon application to the Department.

Process control decision—A decision that maintains or changes the water quality or quantity of a water system or wastewater system in a manner that may affect the public health or environment.

Process control plan—A plan developed by an operator in responsible charge that outlines the facilities, methods, activities and treatment alternatives necessary to meet permit requirements and provide long term and reliable system operations.

Professional engineer—An engineer registered under the Engineer, Land Surveyor and Geologist Registration Law (63 P. S. §§ 148—158.2), who has been examined in civil, sanitary or environmental engineering and determined proficient.

Psychometrics—The analytical methodology and design of tests to evaluate and measure psychological variables such as intelligence and aptitude.

Recertification—The process by which an individual's water or wastewater system operator certificate, previously certified under the act, obtains a new certificate following expiration, suspension or revocation of the previous certificate.

Renewal of certification—The process by which an individual extends for another period of time an existing, valid water system or wastewater system operator's certificate under the act.

Satellite collection system—A wastewater system, with at least one pump station, which is designed to convey in excess of 2,000 gallons per day of untreated wastewater to a wastewater system owned by a different entity.

Serving an average—The hydraulic design capacity of a water system.

Single entity collection system—A wastewater collection system where the collection system relies on treatment from a wastewater treatment system owned by the owner of the collection system.

Site-specific—A certificate to allow a grandparented operator to make process control decisions for an identified system or part thereof, which is not transferable and is not valid if treatment methods change or the grandparented operator no longer works at a system.

Slow sand filtration—For drinking water, a process for the purpose of substantial particulate removal by physical and biological mechanisms during the passage of raw water through a bed of sand at low velocity, generally less than 0.4 meter per hour.

Subclassification—A number assigned by the Department to a water or wastewater system based upon the treatment process used by that system or the number assigned to an operator's certificate based upon meeting the certification requirements for a specific treatment process.

System—A water or wastewater system.

Track—A combination of approved education and experience requirements necessary to qualify for operator certification.

Training approval process guidelines—Department guidelines authorized by the act that set standards for training sponsors, courses, course content, training approval criteria and training provider approval criteria.

Training provider—A person who designs or delivers any type of education or training activities, courses or programs.

Training sponsor—A training provider approved by the Department to provide training to water and wastewater system operators in this Commonwealth in accordance with the Department's training approval process guidelines.

Treatment—The physical, chemical or biological process necessary to change, modify or maintain the chemical or biological nature of water.

Treatment ponds and lagoons—A wastewater treatment technology that utilizes a pond, lagoon or wetlands with anaerobic or facultative biological processes for the treatment of wastewater and meets the following criteria:

(i) A design hydraulic detention time in the treatment process of 15 days or greater.

(ii) A biological treatment process that does not have any return activated sludge system.

(iii) A biological treatment process that is impacted by diurnal fluctuations as a result of photosynthesis.

Trigger parameter—A set-point for a designated biological, chemical or physical parameter that requires a response by the operator in responsible charge.

Ultraviolet disinfection—A water treatment process that inactivates pathogenic organisms using light with a wavelength range of 4,000 to 40 angstroms.

Upgrade—The certification process an existing certified operator follows to increase the operator's authority to make process control decisions at a system of a specific flow or a system with specific treatment technologies.

Wastewater—A substance that contains the waste products or excrement or other discharge from the bodies of human beings or animals and noxious or deleterious substances being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation, or which constitutes pollution under The Clean Streams Law.

Wastewater environmental laboratory supervisor—An individual having the necessary knowledge, skills and abilities necessary to supervise laboratory procedures and reporting of analytical data for an environmental laboratory operated by a wastewater or industrial waste system in accordance with industry, State and Federal standards.

Wastewater system—A structure designed to collect, convey or treat wastewater and from which effluent in excess of 2,000 gallons per day is discharged into waters of this Commonwealth.

Water system—A community water system or a nontransient noncommunity water system as those terms are defined in section 3 of the Pennsylvania Safe Drinking Water Act (35 P. S. § 721.3).

§ 302.102. Purpose.

(a) The purpose of this chapter is to protect the environment and the public's health and safety by ensuring that certified operators with the appropriate knowledge, skills and abilities make appropriate process control decisions during the operation of water and wastewater treatment systems, water distribution systems and wastewater collection systems.

(b) This chapter establishes the training, education, experience and examination standards necessary for operator certification.

(c) This chapter also establishes the administrative processes and procedures the Board will follow to implement the Board's duties and responsibilities under the act.

§ 302.103. Scope.

(a) A person may not make a process control decision at a water or wastewater system unless that person is Board-certified with a valid certificate with the appropriate class and subclassifications for the size and treatment technologies of a water or wastewater system and is designated by the owner as the available operator.

(b) To become certified by the Board, the applicant shall:

(1) Apply for certification in accordance with § 302.201 (relating to form of application).

(2) Pass the appropriate examinations as defined in § 302.702 (relating to examination requirements) or an equivalent examination as defined in § 302.304 (relating to issuance of a certificate through reciprocity).

(3) Meet minimum education requirements as defined in § 302.701 (relating to minimum education requirements).

(4) Meet the experience requirements as defined in § 302.703 (relating to experience requirements).

(c) The following are exempt from the requirements of this chapter:

(1) A wastewater treatment system with a permitted average daily discharge flow of less than 2,000 gallons per day.

(2) A wastewater treatment system regulated under Chapter 73 (relating to standards for onlot sewage treatment facilities). An industrial wastewater system used to treat, recycle or impound industrial or agricultural wastes within the boundaries of the industrial or agricultural property.

(3) An industrial waste pretreatment system in which treated wastewater is released to a collection system of a wastewater treatment plant that is regulated by this chapter.

(4) An industrial waste treatment system that is an NPDES permitted point source discharge.

(5) A water treatment device that serves a single private residence.

(6) A system designed to only collect and treat stormwater.

(7) Other systems that are exempted by the Department by rules and regulations, guidelines or policy.

(d) Operators of industrial wastewater treatment facilities may voluntarily obtain a wastewater system operator's certificate consistent with this chapter.

Subchapter B. GENERAL REQUIREMENTS FOR APPLICATIONS FOR CERTIFICATION ACTIONS

Sec.

302.201. Form of application.

302.202. Operator certification program fees.

§ 302.201. Form of application.

(a) An applicant for examination or a certification action shall submit a complete application with required documentation using the appropriate Department-approved forms to the Board's Secretary.

(b) In addition to the forms described in subsection (a), an application for certification action for either certification or recertification must include:

(1) An original or copy of the applicant's Pennsylvania State Police criminal history record, issued no more than 90 days prior to the date the application is received by the Board Secretary.

(2) For education purposes, one of the following:

(i) A copy of the applicant's high school diploma or GED or a statement of completion of high school or achievement of GED.

(ii) Written verification by the applicant's supervisor or another certified operator with direct knowledge of the applicant's experience working as an operator in a water or wastewater system before February 21, 2002.

(3) Documentation of the applicant's experience as defined in § 302.704 (relating to determining qualifying experience) and verified by the applicant's supervisor or another certified operator with the knowledge of the applicant's experience.

(4) An official copy of the applicant's college transcripts, if applicable.

(5) Copies of certificates of completion of Department-approved training courses if applicable.

(6) The applicant's signature, affirmed by a notary public.

(7) The applicable fees specified in § 302.202 (relating to operator certification program fees).

(c) In addition to the forms described in subsection (a), an application for certification action for certificate upgrade must include:

(1) An official copy of the applicant's college transcripts, if applicable.

(2) Documentation of the applicant's additional experience for the additional class or subclassification as defined in §§ 302.703 and 302.704 (relating to experience requirements; and determining qualifying experience), verified by the applicant's supervisor or another certified operator with the knowledge of the applicant's experience.

(3) Copies of certificates of completion of Department-approved training courses, if applicable.

(4) The applicant's signature, affirmed by a notary public.

(5) The applicable fees specified in § 302.202.

(d) In addition to the forms described in subsection (a), an application for certification action for certificate renewal must include:

(1) Proof of completed continuing education.

(2) The applicant's signature, affirmed by a notary public.

(3) The applicable fees specified in § 302.202.

(e) In addition to the forms described in subsection (a), an application for certification action for reciprocity must include:

(1) An original or copy of the applicant's Pennsylvania State Police criminal history record, issued no more than 90 days prior to the date the application is received by the Board Secretary.

(2) A copy of the applicant's operator certificate issued by another state, territory or Board-approved register as defined in § 302.305 (relating to Board-approved reciprocity register).

(3) For education purposes, one of the following:

(i) A copy of the applicant's high school diploma or GED or a statement of completion of high school or achievement of GED.

(ii) Written verification by the applicant's supervisor or another certified operator with direct knowledge of the applicant's experience working as an operator in a water or wastewater system before February 21, 2002.

(4) Documentation of the applicant's experience as defined in § 302.704 and verified by the applicant's supervisor or another certified operator with the knowledge of the applicant's experience.

(5) A copy of the applicant's official transcripts from college, if applicable.

(6) Copies of certificates of completion of Department-approved training courses if applicable.

(7) The applicant's signature, affirmed by a notary public.

(8) The applicable fees specified in § 302.202.

§ 302.202. Operator certification program fees.

(a) An application for a certification action or postpresentation credit must be accompanied by a nonrefundable check or money order payable to the "Commonwealth of Pennsylvania." The applicant's client ID should be printed on the check or money order.

(b) Applications to become an approved training provider, course and conference approvals, course rosters and requests for examination sessions must be accompanied by a nonrefundable check or money order payable to the "Commonwealth of Pennsylvania."

(c) Annual reports as described in § 302.1202(b) (relating to duties of owners) must be accompanied by a nonrefundable check or money order payable to the "Commonwealth of Pennsylvania." The systems' Public Water Supply ID or NPDES Permit Number should be printed on the check or money order.

(d) The fees are as follows:

Operators:

Initial Certification Class A, B, C, D	\$150
Initial Certification Class Dc, Dn, Class E	\$100
Certification through Reciprocity Class A, B, C, D	\$150
Certification through Reciprocity Class Dc; Dn, Class E	\$100
Certificate Renewal	\$60
Examination Session	\$35
Replacement of Certificate or Pocket Card	\$25
Postpresentation Credit Application	\$250

Training:

Training Provider Approval Application	\$90
Brief Course Approval	\$115
Full Course Approval	\$300
Conference Approval	\$70
Course Rosters	\$1 per name

Classroom Courses offered by the Department are \$10 per contact hour maximum per person.

Web-based Courses offered by the Department are \$30 per contact hour maximum per person. Onsite Training offered by the Department is \$1,600 per event.

Approved Examination Providers:

Ten or more examination sessions per year	\$800
Five to ten examination sessions per year	\$700
Two to five examination sessions per year	\$600
One examination session per year	\$400

Owners:

Annual Service Fee Class A System	\$500
Annual Service Fee Class B System	\$150
Annual Service Fee Class C System	\$100
Annual Service Fee Class D and E Systems	\$65

(e) The maximum fee a training provider or owner will be charged is \$10,000 per year.

(f) An operator holding a valid certificate as of ____ (Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.), is not required to pay the certification fees identified in subsection (b). The operator is subject to all other fees in this section.

(g) The fees identified in subsection (b) are in addition to any fees charged by an approved examination provider as defined in § 302.605 (relating to use of materials and electronic devices by the applicant during examination).

(h) No person regulated by this act shall pay more than a total of \$10,000 annually to the Commonwealth operator certification fees specified under this act.

(i) The Department will review the adequacy of the fees established in this section at least once every 3 years and provide a written report to the Environmental Quality Board. The report will identify any disparity between the amount of program income generated by the fees and the costs to administer these programs, and it will contain recommendations to modify fees to eliminate the disparity, including recommendations for regulatory amendments to modify program fees.

Subchapter C. BOARD PROCEDURES AND ACTIONS

Sec.	
302.301.	Board procedures for certification action.
302.302.	Issuance of certificate for certification or recertification.
302.303.	Issuance of upgraded certificate.
302.304.	Issuance of certificate through reciprocity.
302.305.	Board-approved reciprocity register.
302.306.	Certificate renewal.
302.307.	Extensions.
302.308.	Suspensions, revocation or modification of an operator's certificate.
302.309.	Board review of Department training decisions.

§ 302.301. Board procedures for certification action.

(a) The Department, under the supervision of the Board Secretary, will review the application for certification action for completeness.

(b) If the application is not complete, the applicant will be notified, in a timely manner from receipt of the application, of the specific information required to make the application complete.

(c) When an application is complete, the Board Secretary will review the application using policy and procedures defined by the Board in guidelines and make a recommendation for action to the Board designating the

appropriate class and subclassification. The Board will make the final determination on the appropriate class and subclassification.

(d) The Board will take an action on a complete application within two scheduled Board meetings after the Board Secretary has completed the review of the application, provided the application is complete and contains sufficient information for the Board to make a decision.

(e) The Board Secretary will issue the operator's certificate within 60 days of Board action. A certificate will include the issuance and expiration dates, class and subclassifications, client ID and certification identification numbers and pocket card for identification purposes.

(f) The issuance date on the certificate corresponds with the date of Board action and the operator is assigned to the current 3-year renewal cycle (either the first day of January, April, July or October). The certificate is valid for a 3 year period and will expire on the date indicated unless suspended, modified or revoked by the Board prior to expiration.

(g) The Board will deny an application for certification action for failure to meet the requirements of the act, the regulations promulgated under this act, and other Department rules and regulations related to the operation of a water or wastewater system.

(h) The Board authorizes the Board Secretary to deny an application for certification action without Board review for failure to:

(1) Meet the requirements for reciprocity as defined in § 302.304 (relating to issuance of certificate through reciprocity).

(2) Meet processing deadlines.

(3) Successfully pass an examination for certification.

(i) When the Board denies an application for certification action, the Board Secretary will notify the applicant in writing within 60 days of the Board decision, describing the applicant's right to appeal the action to the Environmental Hearing Board.

(j) Within 4 weeks of receiving a written request of a certified operator and payment of a fee as established in § 302.202 (relating to operator certification program fees) for the replacement of a certificate or wallet card, the Board Secretary will fulfill the request.

§ 302.302. Issuance of certificate for certification or recertification.

The Board may approve a complete application for certification action for either certification or recertification with a designated class and subclassification when the applicant has met the requirements for certification as defined in § 302.103 (relating to scope). The Board will also complete the review of the applicant's criminal history record in accordance with §§ 302.402 and 302.403 (relating to CHR investigations; and review of CHRs by the Board) before approving a complete application for certification action for certification or recertification.

§ 302.303. Issuance of upgraded certificate.

(a) The Board will approve a complete application for certification action to upgrade an existing certificate to the appropriate class when the applicant meets the additional experience requirements defined in § 302.703 (relating to experience requirements) for the upgrade in class. The Board will also approve a complete application for certification action to upgrade an operator-in-training

as defined in § 302.1004 (relating to operator-in-training status) when the operator-in-training has met the minimum experience requirements for certification defined in § 302.703.

(b) The Board will approve a complete application for certification action to upgrade an existing certificate to add another subclassification when the applicant passes the Part II Treatment Technology Specific Examination as defined in § 302.601 (relating to general provisions) that corresponds to a subclassification defined in §§ 302.1002 and 302.1003 (relating to certification classes and subclassifications of water system operators; and certification classes and subclassifications of wastewater system operators) and completes 1 year additional experience requirement, if applicable, as defined in §§ 302.703 and 302.704 (relating to experience requirements; and determining qualifying experience).

(c) The Board will replace the applicant's existing certificate with an upgraded certificate that maintains the operator's current 3 year renewal cycle. Those applicants that were upgraded from the operator-in-training status will be issued a certificate in accordance with procedures defined in § 302.301 (relating to Board procedures for certification action).

(d) Additional changes in continuing education requirements as defined in § 302.803 (relating to phased schedule for continuing education requirements) resulting from an upgrade will not be enforced until the certified operator's next full 3 year renewal cycle.

(e) Class Dc, Dn and grandparented certificates will not be upgraded.

§ 302.304. Issuance of certificate through reciprocity.

(a) The Board may issue a certificate to an applicant holding a valid water or wastewater, or both, operator certificate from another state, territory, the District of Columbia or a Board-approved reciprocity register, when the applicant meets the requirements for certification defined in § 302.103 (relating to scope) and demonstrates the out-of-State certificate was issued as the result of passing an examination comparable to one administered by the Board.

(b) The Department will determine whether the content of the examination is comparable to an examination prepared by the Department and obtain confirmation from the state, territory or Board approved registry that issued the applicant's certificate that the applicant holds a valid certificate, and is in compliance with applicable laws, regulations and other requirements.

(c) Operators previously certified in this Commonwealth are not eligible to apply for reciprocity if:

(1) The Board revoked, suspended or modified their certificate in accordance with § 302.308 (relating to suspensions, revocation or modification of an operator's certificate).

(2) The operator failed to meet the continuing education requirements for their most recent 3 year renewal cycle.

§ 302.305. Board-approved reciprocity register.

(a) The Board recognizes the Association of Boards of Certification Registry and United States Military or Coast Guard discharge papers documenting water or wastewater operation as reciprocity registers.

(b) The Board may recognize additional certification registers upon request by a certified operator or the entity maintaining the register.

§ 302.306. Certificate renewal.

(a) Certified operators meeting the requirements of the act, this part, and other Department rules and regulations related to the operation of a water or wastewater system, and Department and Board guidelines will be eligible for certificate renewal without further examination.

(b) The Board will attempt to notify certified operators when renewal is due at least 60 days prior to certificate expiration. Failure to receive a renewal application from the Board does not release a certified operator from the requirements of the act, this part, and other Department rules and regulations related to the operation of a water or wastewater system.

(c) Certified operators shall meet the continuing education requirements as defined in § 302.803 (relating to phased schedule for continuing education requirements) as a condition of renewal.

(d) Continuing education must be successfully obtained during the certified operator's 3 year certification period. A certified operator who fails to complete the continuing education requirements within the 3 year cycle shall apply for recertification.

(e) The Board will not renew a certificate for an operator who fails to meet the continuing education requirements, unless the operator has applied for and been granted, an extension in accordance with § 302.307 (relating to extensions).

(f) A certificate will not be deemed expired if the Board Secretary has received a complete application for certification action for renewal before the expiration date of the certificate. This provision will be in force until the Board takes action on the application. If approved, the certificate will be issued with an expiration date that maintains the operator's prior 3 year cycle.

(g) A certificate renewal issued by the Board after the certificate has expired will have the effective issuance date of the first day of the month in the next quarter (January, April, July or October) following Board action. The expiration date will be 3 years after the expiration date of the lapsed certificate.

(h) Within 24 months following the date of expiration, an operator who has completed the continuing education, but whose certificate has expired, may renew the certificate by submitting a complete application for certification action for renewal. A certified operator who fails to renew the certificate within 24 months of the expiration date shall apply for recertification.

(i) The Board Secretary will submit a listing of applicants for certificate renewal to the Board that the Department has determined have not met the continuing education requirements as defined in § 302.802 (relating to continuing education requirements for certificate renewal). The listing will include the applicants' name, their classes and subclassifications of certification and the number of approved hours of continuing education completed.

(j) An operator shall submit any postpresentation credit applications for training that was not preapproved by the Department in accordance with training approval process guidelines within 90 days after certificate expiration.

(k) After the Board has taken action to deny an application for certificate renewal due to lack of continuing education, the Board Secretary will send a certified letter to the operator notifying them of the Board's decision. If possible, the Board Secretary will send a copy of this letter to the appropriate Department regional program manager and the owners of systems when the operator is identified by the owners as an available operator for the systems.

(l) The operator has 14 days from receipt of the certified letter to submit additional documentation of completed continuing education for review by the Department to the Board Secretary. If the Department approves the additional documentation showing compliance with the requirement for continuing education, the Board Secretary will issue a valid certificate to the operator. If not, the operator is no longer certified, and shall apply for recertification.

§ 302.307. Extensions.

(a) The Board may grant a time extension to a certified operator to meet the requirements of the act, this part, and other Department rules and regulations related to the operation of a water or wastewater system provided that:

(1) The certified operator requests an extension in writing with appropriate justification no later than 90 days after certificate expiration, except in extenuating circumstances.

(2) The certified operator agrees to meet all requirements within a specific time period established by the Board.

(3) Any Board extension is consistent with only those specific powers and duties granted to the Board.

(b) The Board Secretary will provide an explanation of the Board's decision and any requirements for compliance in writing to the certified operator.

(c) Circumstances that justify an extension include:

(1) Military service that curtails an operator's ability to access continuing education, mandated training or Board testing.

(2) Health related circumstances that curtail an operator's ability to participate in continuing education, mandated training or Board testing.

(3) Other extreme circumstances.

§ 302.308. Suspensions, revocation or modification of an operator's certificate.

(a) The Board may take action to suspend, revoke, modify or reinstate an operator's certificate upon petition by the Department.

(b) The Board may suspend, revoke or modify a certificate for misconduct for reasons including:

(1) Negligence in operating a system.

(2) Fraud.

(3) Falsification of State, local or Federal documents or records.

(4) Failure to use reasonable care and professional judgment in performing the duties of a certified operator.

(5) Violation of State or Federal laws and the rules and regulations promulgated thereunder associated with the operation of a water or wastewater treatment system.

(6) Creating a clear or potential threat to public health, safety or the environment.

(7) Failure to comply with the duties assigned to a certified operator.

(c) Suspension, revocation, modification or reinstatement of an operator's certificate will become effective immediately upon the Board's action.

(d) The Board may suspend or modify a certificate for a specific time period or require additional education, training or reexamination as a condition of reinstatement.

(e) Within 5 days of the Board taking an action to suspend, revoke, modify or reinstate an operator's certificate, the Board Secretary will notify the Department, the certified operator and the certified operator's employer in writing of the Board action to suspend, revoke or modify an operator's certificate.

§ 302.309. Board review of Department training decisions.

(a) A training provider or sponsor may request the Board to review a Department action to do the following:

- (1) Approve, disapprove, revoke or suspend a training provider's status as an approved sponsor of training for certification and continuing education.
- (2) Approve, deny, revoke or suspend the approval of any course for certification and continuing education.
- (3) Assess an instructor's qualifications.
- (4) Assign appropriate continuing education contact hours.

(b) Within 75 days of receiving notification from the Department, a training provider or sponsor will submit a request to the Board to review the Department's decision. The request must include the following:

- (1) The reasons for the Department's decision.
- (2) The reasons why the Board review is necessary.
- (3) Any circumstances that merit consideration by the Board to reverse or modify the Department's decision.
- (4) The desired action from the Board.

(c) The Board will take action on any training decision request within 120 days of completion of a scheduled Board meeting dealing with the training action.

Subchapter D. CRIMINAL HISTORY RECORDS

- Sec.
- 302.401. Submission of CHRs.
- 302.402. CHR investigation.
- 302.403. Review of CHRs by the Board.
- 302.404. Board actions as the result of its review of a CHR.

§ 302.401. Submission of CHRs.

(a) The Board requires a CHR to accompany an application whenever an applicant does one or more of the following:

- (1) Submits an application for certification. A CHR is not required for subsequent renewals.
- (2) Submits an application requesting certification by reciprocity.
- (3) Submits an application for recertification.

(b) An applicant holding a bioperable certification shall meet the requirements in subsection (a) for each separate water and wastewater certificate.

(c) The date of issuance on a CHR must be no more than 90 days before the date when the application is received by the Board Secretary.

§ 302.402. CHR investigations.

(a) The following criminal activities require further investigation:

- (1) A felony.
- (2) A misdemeanor that appears to be related directly to activities associated with carrying out duties and responsibilities as a certified operator.
- (3) A misdemeanor that appears to pose a threat to public health, safety or the environment.

§ 302.403. Review of CHRs by the Board.

(a) The Board will review all CHRs submitted with applications for certification action in accordance with the act and this chapter.

(b) A preliminary review committee will conduct a review, and if necessary, conduct appropriate investigations and make a recommendation to the Board for action. The membership of this committee will include:

- (1) A Board member.
- (2) A Department employee.
- (3) Board legal counsel.

(c) The Board or Board-designated agent will conduct an evaluation of all applicants with a conviction noted on their CHR to determine the appropriate category in this section. Convictions meeting the criteria in § 302.402 (relating to CHR investigations) require the Department to conduct an investigation and submit a written report to the Board or Board-designated agent.

(d) If the preliminary review committee feels the conviction may be related to the operation of a drinking water or wastewater treatment system, they will instruct the Board Secretary to send the applicant a certified letter notifying them of this potential and offering them the opportunity to appear at the next regularly scheduled Board meeting to present any information they feel is relevant or related to the conviction. The Department employee on the committee will also solicit further information from the appropriate regional office as it relates to the circumstances that resulted in the conviction and the applicant's record as an operator.

(e) The preliminary review committee will provide reasons for their recommendation and any associated documentation.

(f) These recommendations will be assigned into the following two categories:

- (1) Recommend approval of the application for certification action.
- (2) Recommend that the full Board review the CHR and investigation findings.

(g) A certified operator will not be denied a temporary certification for renewal pending a final action of the Board on a CHR. In this case, a letter will be sent extending the certified operator's existing certificate until the Board takes final action.

(h) An applicant for certification will not be denied admittance to the certification exam pending a final action on a CHR.

(i) The Department will complete the investigation in a timely manner based on circumstances related to the necessary collection of information needed to make a recommendation.

§ 302.404. Board actions as the result of a CHR.

(a) The Board will act on all CHRs submitted with an application for certification action.

(b) The Board will find no further action is necessary when an applicant's CHR shows no convictions.

(c) Based on the Board's authority under 18 Pa.C.S. Chapter 91 (relating to criminal history record information), the Board may deny an application for certification action based on a conviction of either:

(1) A felony related to the trade, occupation or profession for which the certification is sought.

(2) A misdemeanor related to the trade, occupation or profession for which the certification is sought.

(d) The Board will review the recommendations of the preliminary review committee before taking action. Based on this review, the Board will do one of the following:

(1) Agree with the preliminary review committee and take action on the CHR accordingly.

(2) Disagree with the preliminary review committee and take action on the CHR accordingly.

(e) The Board Secretary will notify an applicant in writing of the Board's decision to deny an application for certification action based on the applicant's CHR.

(f) If an application for certification action is denied, the Board will identify the reasons for the decision, since this decision prohibits the individual from practicing as a certified operator in this Commonwealth.

(g) An applicant wishing to appeal a Board action shall petition the EHB.

Subchapter E. ADMINISTRATIVE HEARINGS OF THE BOARD

Sec.

302.501. General requirements.

§ 302.501. General requirements.

(a) The Department may file with the Board Secretary a written petition under section 4(b)(1) of the act (63 P. S. § 1004(b)(1)), by submitting a written request containing the following information:

(1) The factual basis of the petition including the dates, times and places of the occurrences and the names of the responsible parties with sufficient specificity that the respondent can file an answer and prepare a defense to the allegations.

(2) The statutes or regulations, or both, allegedly violated and underlying the petition.

(3) The relief requested.

(4) An identification of the Department attorney or contact person, including the address and telephone number, who can receive service on behalf of the Department.

(b) Upon receipt of a petition, the Board Secretary will:

(1) Provide a copy of the petition to the operators named in the petition, sent by certified mail.

(2) Schedule the petition for hearing before the Board or a hearing officer appointed by the Board. As necessary, the Board Secretary may schedule prehearing conferences and issue orders needed to dispose of prehearing issues.

(c) Requests to reschedule or cancel a hearing must be in writing and be received by the Board Secretary at least 14 days prior to the date of the hearing. Continuance of a hearing is at the discretion of the Board. The Board may continue a hearing upon its own motion.

(d) The hearings of the Board will be in accordance with 2 Pa.C.S. Chapter 5 Subchapter A and Chapter 7 Subchapter A (relating to Administrative Agency Law).

(e) The Chairperson of the Board is authorized to sign decisions and orders on behalf of the Board.

(f) An order of the Board will be effective immediately unless otherwise indicated within the order.

(g) Decisions on the petition may be appealed to the EHB.

Subchapter F. PREPARATION AND ADMINISTRATION OF CERTIFICATION EXAMINATIONS

Sec.

302.601. General provisions.

302.602. Approved examination providers.

302.603. Examination eligibility.

302.604. Examination administration.

302.605. Use of materials and electronic devices by the applicant during examination.

§ 302.601. General provisions.

(a) The Department will prepare and the Board will administer valid certification examinations using general psychometric principles to measure the applicant's knowledge, skills and abilities necessary to make process control decisions that meet permit requirements, maintain system reliability and ensure the protection of the environment, public health and safety.

(b) Certification and recertification examinations will consist of a two part examination. Part I of the examination will measure the applicant's knowledge, skills and abilities common to all water or wastewater systems regardless of size. Part II of the examination will measure the applicant's knowledge, skills and abilities necessary to operate specific treatment technologies or system components.

(c) There will be separate stand-alone examinations for wastewater collection systems, either satellite or single entity; water distribution or consecutive systems without treatment and Dc or Dn systems.

(d) There will be a Part II examination for laboratory supervisor for a water system and a Part II examination for laboratory supervisor for a wastewater system.

(e) There will be a master examination for either water or wastewater systems for operators wanting a master certificate to operate all available treatment technologies and system components.

(f) The Department will annually review examinations for relevancy. The Department may use third party contractors, members of the Board or the Certification Program Advisory Committee, Department staff or other qualified individuals as subject matter experts for the content and validation of the examinations.

(g) The Board may use third-party examination proctors for administration of examinations, provided the proctors have completed the necessary training defined by Board guidelines.

(h) Paper and test materials remain the property of the Board.

(i) Individual examination scores will be confidential and will not be disclosed to the public.

§ 302.602. Approved examination providers.

(a) The Board may use consultants, nonprofit water and wastewater industry associations and organizations, the Department or educational institutions to assist in

the administration of the examinations for certification. The Board Secretary will approve all examination providers in accordance with Board guidelines.

(b) Approved examination providers may charge a fee to an applicant to cover the cost of personnel, facility rental and other incurred costs related to the registration and administration of the examination.

(c) Approved examination providers will not at any time be in possession of any Department-developed examination materials or examination content.

(d) Approved examination providers will administer examinations in accordance with Board guidelines.

§ 302.603. Examination eligibility.

(a) An applicant for examination shall submit a request for examination using approved Board forms to one of the approved examination providers. The applicant shall also pay any fees defined by the approved examination provider for processing this request.

(b) An individual is not required to meet experience requirements of the act, regulations or guidelines as a condition for examination.

(c) An individual is not required to successfully attain any training as a condition for examination.

(d) An individual that attends five or more examination sessions without applying for certification shall pay the examination session fees defined in § 302.202 (relating to operator certification program fees) before being allowed to attend additional examination sessions.

(e) A certified operator is not required to retake an examination already successfully passed unless:

(1) The individual fails to renew their certification within 2 years from the expiration date of the certification.

(2) The individual fails to complete the required amount of continuing education within the 3-year renewal cycle.

(3) The Board takes action to suspend or modify the certification. A certified operator whose license is revoked may not apply to become recertified or to reexamine.

§ 302.604. Examination administration.

(a) The proctors and Department staff shall follow all procedures for the administration of an examination as defined in Board guidelines.

(b) The examination proctor will provide a written report to the Board regarding any applicant violating this section or Board guidelines.

(c) The Board may make exceptions to a written examination or other examination requirements when an applicant or representative makes a "reasonable accommodation" request under the Americans With Disabilities Act of 1990 (42 U.S.C.A §§ 12101—12213) in written form to the Board, the request documents the reason for the accommodation and the request is submitted to the Board Secretary in writing at least 15 days before the date of the examination.

(d) The Board may make exceptions to the scheduled date and location of an examination upon written request by an applicant based on religious preference, jury duty or other compelling reasons.

§ 302.605. Use of materials and electronic devices by the applicant during examination.

(a) The use of nonprogrammable calculators by applicants during the examination is permitted.

(b) The use of hand held computers or other devices that can store technical information, electronic communication devices, personal music players or other memory storage devices or printed materials other than the materials provided by the examination proctor during the examination is not permitted during the examination.

(c) An applicant may use special electronic devices, if the applicant has submitted a written request to the Board Secretary for approval and has received written approval from the Board.

Subchapter G. EDUCATION, EXAMINATION AND EXPERIENCE REQUIREMENTS

Sec.

302.701. Minimum education requirements.

302.702. Examination requirements.

302.703. Experience requirements.

302.704. Determining qualifying experience.

302.705. Accelerated certification requirements for system modifications.

§ 302.701. Minimum education requirements.

(a) An applicant for certification shall obtain a high school diploma or a GED to meet one of the minimum education requirements.

(b) The Board may grant an education exemption to the requirements in subsection (a) if the applicant provides written verification by the applicant's supervisor or another certified operator with direct knowledge of the applicant's experience working as an operator in a water or wastewater system before February 21, 2002.

(c) Experience used to meet the equivalency for a high school diploma or GED cannot be used as experience for certification.

§ 302.702. Examination requirements.

(a) An applicant for certification in wastewater shall obtain a passing score on a Part I General Examination and one or more of the Part II Treatment Technology Specific Examinations, a Master Examination or a Collection System Examination.

(b) An applicant for certification in drinking water shall obtain a passing score on a Part I General Examination and one or more of the Part II Treatment Technology Specific Examinations for Class A, B and C, a Part I General Examination for Class D, a Master Examination, a Dc or Dn Small System Examination or a Distribution Examination.

(c) An applicant shall obtain a minimum numerical score of correctly answered questions based on general psychometric principles to pass an examination for certification.

(d) An applicant's score on an examination is independent and not conditional on the results of any other type of certification examination.

(e) Test results are valid indefinitely, unless the applicant must apply for recertification as determined by the Board.

§ 302.703. Experience requirements.

(a) To meet the requirements for certification, the Department will provide an applicant with two different experience tracks.

(b) Track I identifies the experience requirement necessary to qualify for certification when the applicant meets the basic educational requirement in § 302.701 (relating to minimum education requirements).

(1) *Track I experience requirements for wastewater treatment system operators.*

Class	Minimum Experience
A	4 years
B	3 years
C	2 years
D	1 year
E	1 year

(2) *Track I experience requirements for water system operators.*

Class	Minimum Experience
A	4 years
B	3 years
C	2 years
D	1 year
E	1 year
Dc	6 months
Dn	6 months

(c) An applicant for operator certification using Track I may supplement up to 50% of the required experience by successfully completing additional education beyond the minimum education requirement defined in § 302.701. One month of experience can be credited for the successful completion of every 10 contact hours of Department-approved training courses in water or wastewater, as applicable, or 1.5 months experience may be credited for the successful completion of one college credit in water or wastewater from an accredited college or university.

(d) Track II provides a reduction in the experience requirements defined in subsection (b) when the applicant has successfully earned one of the following:

(1) A certificate of completion of a Department-approved certificate program in water or wastewater, or both (CP).

(2) An associate degree in a water or wastewater, or both, operation approved by the Department (ASP).

(3) An associate degree in environmental sciences, physical sciences, engineering or engineering technology not approved by the Department (AS).

(4) A bachelor's or graduate degree in biology, chemistry, environmental sciences, physical sciences, sanitary or environmental engineering or engineering technology from a Nationally accredited college or university (BS/BA).

(e) The required experience under Track II is:

(1) *Track II experience requirements for wastewater treatment system operators.*

Class	CP	ASP	AS	BS/BA
A	2 years	1 year	3.5 years	2 years
B	1 year	6 months	2.5 years	1 year
C	6 months	6 months	1.5 years	6 months
D	6 months	6 months	6 months	6 months
E	6 months	6 months	6 months	6 months

(2) *Track II experience requirements for water system operators.*

Class	CP	ASP	AS	BS/BA
A	2 years	1 year	3.5 years	2 years
B	1 year	6 months	2.5 years	1 year
C	6 months	6 months	1.5 years	6 months
D	6 months	6 months	6 months	6 months
E	6 months	6 months	6 months	6 months
Dc	0	0	6 months	0

Class	CP	ASP	AS	BS/BA
Dn	0	0	6 months	0

(f) When education is applied to meet the experience requirements for certification under Track II, the credit can only be applied once and is not cumulative.

§ 302.704. Determining qualifying experience.

(a) The Board will determine if the applicant's experience meets the experience requirements defined in § 302.703 (relating to experience requirements).

(b) Experience for certification is achieved by participating in a combination of activities related to process control under the supervision of a certified operator who holds the appropriate subclassifications.

(c) The Board will consider the following activities for qualifying experience:

(1) Operating mechanical equipment related to process control.

(2) Maintaining mechanical equipment related to process control.

(3) Collecting and analyzing chemical and biological samples related to process control and regulatory compliance activities.

(4) Performing calculations related to process control.

(5) Preparing or standardizing chemical and biological solutions.

(6) Interpreting, compiling and completing monitoring data.

(7) Recommending appropriate process control measures.

(8) Participating in onsite assessment, inspection or evaluation of plant processes.

(9) Calibrating chemical feed systems.

(10) Using equipment to monitor and measure flows through a water or wastewater system.

(d) An applicant for a wastewater certificate may apply experience as defined in subsection (c) as follows:

(1) Experience working at an activated sludge wastewater system qualifies an applicant for an activated sludge wastewater certificate (Subclassification 1), the fixed film wastewater certificate (Subclassification 2) and the treatment pond and lagoon wastewater certificate (Subclassification 3).

(2) Experience working at a fixed film wastewater system qualifies an applicant for a fixed film wastewater certificate (Subclassification 2) and a treatment pond and lagoon wastewater certificate (Subclassification 3).

(3) Experience working at a treatment pond and lagoon wastewater system qualifies the applicant for the treatment pond and lagoon wastewater certificate (Subclassification 3).

(4) Experience working at a satellite collection system or a single entity collection system qualifies the applicant for a Class E Subclassification 4 wastewater certificate.

(5) Experience for class may be obtained at a wastewater system with the classification level requested or two classification levels alphabetically lower.

(e) An applicant for a water certificate may apply experience as defined in subsection (c) as follows:

(1) Experience working at a conventional filtration, direct filtration, diatomaceous earth filtration or slow sand filtration water system qualifies an applicant for any of the following:

(i) The filtration water certificates (Subclassifications 1, 2, 3, 4, 5 and 6).

(ii) The chemical treatment water certificates (Subclassifications 7, 8, 9 and 10).

(iii) The gaseous chlorine and nongaseous chemical disinfection water treatment certificates (Subclassifications 11 and 12).

(2) Experience working at a cartridge or bag filtration or membrane filtration water system qualifies an applicant for any of the following:

(i) The cartridge or bag filtration and the membrane filtration water certificates (Subclassifications 5 and 6).

(ii) The chemical treatment water certificates (Subclassifications 7, 8, 9 and 10).

(iii) The gaseous chlorine and nongaseous chemical disinfection water treatment certificates (Subclassifications 11 and 12).

(3) Experience working at a corrosion control and sequestering, chemical addition, ion exchange and greensand or aeration and activated carbon adsorption water system qualifies an applicant for any of the following:

(i) The chemical treatment water certificates (Subclassifications 7, 8, 9 and 10).

(ii) The gaseous chlorine and nongaseous chemical disinfection water treatment certificates (Subclassifications 11 and 12).

(4) Experience working at a gaseous chlorine disinfection or nongaseous chemical disinfection water system qualifies an applicant for the gaseous chlorine and nongaseous chemical disinfection water treatment certificates (Subclassifications 11 and 12).

(5) Experience working at an ultraviolet water system qualifies an applicant for the ultraviolet water treatment certificate (Subclassification 13).

(6) Experience working at an ozonation water system qualifies an applicant for the ozonation water treatment certificate (Subclassification 14).

(7) Experience for a class may be obtained at a water system at the classification level requested or two classification levels alphabetically lower.

(8) Experience working at a Dc water system qualifies an applicant for only the Class D water certificate with the gaseous chlorine and nongaseous chemical disinfection water treatment certificates (Subclassifications 11 and 12).

(9) Experience working at a Dn water system qualifies an applicant for only the Class D water certificate without any subclassifications.

(f) One year of experience is equal to 220 working days or 1,760 hours of employment.

(g) Experience will be prorated for time periods less than 1 year.

(h) Experience is counted up to the first day of the month after the applicant submits an application for certification action.

(i) An applicant's experience at a wastewater system may be used to meet no more than half the experience requirement for a drinking water certification of the same classification level or a level alphabetically lower. The remaining experience must be operating experience at a drinking water system as defined in subsection (c).

(j) An applicant's experience at a water system may be used to meet no more than half the experience requirement of a wastewater certification of the same classification level or a level alphabetically lower. The remaining experience must be operating experience at a wastewater system as defined in subsection (c).

§ 302.705. Accelerated certification requirements for system modifications.

(a) An operator certificate upgrade is required when an increase in treatment capacity of the system no longer qualifies the available operator to make process control decisions for that system. When the capacity of the system is increased, the existing available operators will qualify for an accelerated certification upgrade by applying for an upgrade in class before the larger system becomes operational. Additional experience or training is not required.

(b) An operator certificate upgrade is required when the addition of a different treatment technology to a system no longer qualifies the available operators to make process control decisions for that system. When a different treatment technology is added to the system, the existing available operators may qualify for an accelerated certification upgrade if:

(1) The owner obtains the appropriate NPDES, public water supply or The Clean Streams Law permit from the Department with approval of the accelerated certification program.

(2) The operator successfully completes an onsite, Department-approved training program from the manufacturer or consulting engineer on the proper operation and maintenance of the new treatment technology.

(3) The operator passes the appropriate Part II Technology Specific examination for the new treatment technology.

(4) The manufacturer or consulting engineer provides the Board and the Department with written documentation that the available operators for the system have successfully completed the formalized startup training and assistance program and are competent in the operation of the treatment technology.

(c) The available operators of the system undergoing an upgrade may continue to make process control decisions for the system if the conditions for accelerated certification as defined in subsection (a) or (b) are met. If not, the owner of the system will find another available operator with the appropriate class and subclassifications to make process control decisions until the existing certified operators at the system meet the additional examination requirements defined in § 302.702 (relating to examination requirements) and any additional experience requirements defined in § 302.703 (relating to experience requirements).

Subchapter H. CONTINUING EDUCATION AND TRAINING

- Sec.
302.801. Training and continuing education.
302.802. Continuing education requirements for certificate renewal.
302.803. Phased schedule for continuing education requirements.
302.804. System security training requirements.

§ 302.801. Training and continuing education.

(a) The Department will designate all approved training and continuing education into one of the following categories:

- (1) Wastewater.
- (2) Water.
- (3) Bioperable.
- (4) Security training as established in § 302.804 (relating to system security training requirements).

(b) The Department may approve, deny, suspend or revoke any training sponsor, training program, training course or conference session.

(c) The Department may audit, examine, inspect and review the activities and documentation of approved training sponsors, training programs, approved instructors, courses, course content, conference sessions, teaching materials and facilities as related to water operator training and wastewater operator training and continuing education.

(d) The Department will develop training approval process guidelines that define the standards for the approval of training providers as training sponsors, training programs, instructors, courses and course content, conference sessions and other teaching materials and facilities used for the development and delivery of water and wastewater operator training and continuing education.

§ 302.802. Continuing education requirements for certificate renewal.

(a) Only contact hours for training approved by the Department will be used by a certified operator to meet the continuing education requirements for certificate renewal.

(b) A certified operator is required to successfully obtain the designated continuing education contact hours as defined in § 302.803 (relating to phased schedule for continuing education requirements) for certification renewal for the appropriate class.

(c) Bioperable operators will meet the continuing education requirements for each water and wastewater certificate held.

(d) A certified operator may not apply excess contact hours to a subsequent 3 year renewal cycle.

(e) For the purpose of meeting the continuing education requirement, the contact hours associated with a Department-approved course may only be applied once within an operator's 3 year renewal cycle.

(f) A Department-approved instructor holding an operator's certificate may be granted continuing education contact hours for teaching a Department-approved training course provided the instructor delivers the course within the instructor's 3 year renewal cycle and provides documentation to the Department that the course was completed, with the total amount of hours of training delivered. The contact hours for a specific course can be granted only once within the 3 year renewal cycle in which the course is taught.

(g) A certified operator is credited continuing education contact hours in the 3 year renewal cycle in which the training provider documents successful completion of the training.

(h) Certified operators that have successfully completed the Department's Drinking Water Corrosion Control Treatment Course or Bio-solids Management Course may be granted a one-time credit for the contact hours for continuing education during the initial renewal cycle, regardless of the date of completion.

§ 302.803. Phased schedule for continuing education requirements.

(a) The number of required contact hours of continuing education for certificate renewal is as follows:

(1) *Contact hour requirements for wastewater system certified operators.*

<i>Operator Class</i>	<i>Contact Hours for First 3 Year Renewal Cycle</i>	<i>Contact Hours for Subsequent 3 Year Renewal Cycle</i>
A	15	30
B	15	30
C	15	30
D	8	15
E	8	15
Grandparented	8	15

(2) *Contact hour requirements for water system certified operators.*

<i>Operator Class</i>	<i>Contact Hours for First 3 Year Renewal Cycle</i>	<i>Contact Hours for Subsequent 3 Year Renewal Cycle</i>
A	15	30
B	15	30
C	15	30
D	8	15
E	8	15
Dc	4	9
Dn	3	6
Grandparented	8	15

(b) The first 3 year renewal cycle is defined as either the first 3 year period in which a certified operator holds a valid certificate after being transferred from an annual renewal cycle, or the first cycle after receiving certification.

(c) The subsequent 3 year renewal cycle is every 3 year period after the operator's first 3-year renewal cycle.

§ 302.804. System security training requirements.

(a) Every certified operator shall successfully complete a Department-approved system security training course.

(b) A certified operator shall meet the system security training requirement before the conclusion of the operator's first subsequent 3 year renewal period after ____ (*Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.*).

(c) A certified operator shall successfully demonstrate the knowledge, skills and abilities contained in the Department's system security training course using a Department-approved learning assessment method.

(d) The contact hours associated with the system security training also qualifies as approved continuing education within an operator's 3 year renewal cycle.

(e) A Department-approved training sponsor may, upon written agreement with the Department, deliver the Department's system security course that is approved to meet the requirements of this section.

(f) Bioperable operators need to successfully complete the Department-approved system security training course only once.

(g) The Department may require certified operators to attend and successfully complete additional Department-approved system security courses upon written notification.

Subchapter I. SYSTEM CLASSIFICATION AND SUBCLASSIFICATIONS

Sec.

302.901. Classifications and subclassifications of water systems.

302.902. Classifications and subclassifications of wastewater systems.

§ 302.901. Classifications and subclassifications of water systems.

(a) Water systems will be classified into one of five classifications being designated as Classification A, B, C, D or E as follows:

(1) *Classification A.* Water systems serving an average of more than 5 million gallons a day.

(2) *Classification B.* Water systems serving an average of greater than 1 million gallons a day but less than or equal to 5 million gallons a day.

(3) *Classification C.* Water systems serving an average of greater than 100,000 gallons a day but less than or equal to 1 million gallons a day.

(4) *Classification D.* Water systems serving and average of less than or equal to 100,000 gallons a day.

(5) *Classification E.* Distribution and consecutive water systems, without treatment.

(b) Upon written request by the owner, the Department may reclassify a water system serving no more than 500 individuals or having no more than 150 connections, where the source of water for the system is exclusively groundwater, as a Dc or Dn water system. A water system that requires only disinfection will be classified as a Dc system, a water system that requires no treatment as a Dn system.

(c) Each water system Classification A, B and C must be assigned one or more of the following 14 treatment subclassifications that identifies the treatment methods used to process water at that system. Classifications D and E may have one or more of the following 14 treatment subclassifications if the system or operator uses the specified treatment methods to process drinking water at that system.

- (1) Subclassification 1—Conventional Filtration.
- (2) Subclassification 2—Direct Filtration.
- (3) Subclassification 3—Diatomaceous Earth Filtration.
- (4) Subclassification 4—Slow Sand Filtration.
- (5) Subclassification 5—Cartridge or Bag Filtration.
- (6) Subclassification 6—Membrane Filtration.
- (7) Subclassification 7—Corrosion Control and Sequestering.
- (8) Subclassification 8—Chemical Addition.
- (9) Subclassification 9—Ion Exchange and Greensand.
- (10) Subclassification 10—Aeration and Activated Carbon Adsorption.
- (11) Subclassification 11—Gaseous Chlorine Disinfection.
- (12) Subclassification 12—Nongaseous Chemical Disinfection.
- (13) Subclassification 13—Ultraviolet Disinfection.
- (14) Subclassification 14—Ozonation.

(d) Upon written notice provided to the owners and available operators of the system, the Department may

change the classification or subclassification of a water system because of changes in the conditions or circumstances at the system.

§ 302.902. Classifications and subclassifications of wastewater systems.

(a) Wastewater systems will be classified into one of five classifications being designated as Classification A, B, C, D or E as follows:

(1) *Classification A.* Wastewater systems with a permitted average daily discharge flow greater than 5 million gallons a day or unlimited permitted discharge flows.

(2) *Classification B.* Wastewater systems with a permitted average daily discharge flow greater than 1 million gallons per day but less than or equal to 5 million gallons a day.

(3) *Classification C.* Wastewater systems with a permitted average daily discharge flow greater than 100,000 gallons a day but less than or equal to 1 million gallons a day.

(4) *Classification D.* Wastewater systems with a permitted average daily discharge flow equal to or less than 100,000 gallons.

(5) *Classification E.* A wastewater satellite collection system with at least one pump station.

(b) Each wastewater system Classification A, B, C and D must be assigned one or more of 4 treatment subclassifications that identifies the treatment or collection methods, or both, used to process wastewater at that system:

- (1) Subclassification 1—Activated Sludge.
- (2) Subclassification 2—Fixed Film.
- (3) Subclassification 3—Treatment Ponds and Lagoons.
- (4) Subclassification 4—Single Entity Collection Systems.

(c) Upon written notice provided to the owners and available operators of the system, the Department may change the classification or subclassification of a wastewater system because of changes in the conditions or circumstances at the system.

Subchapter J. OPERATOR CLASSES AND SUBCLASSIFICATIONS

Sec.

302.1001. General provisions.

302.1002. Certification classes and subclassifications of water system operators.

302.1003. Certification classes and subclassifications of wastewater system operators.

302.1004. Operator-in-training status.

302.1005. Grandparented operators.

302.1006. Laboratory supervisor certification.

§ 302.1001. General provisions.

(a) A certified operator may hold only one valid water certificate and one valid wastewater certificate. Each valid certificate may include one or more appropriate classes and subclassifications.

(b) A certified operator holding a valid Class A, B, C or D and the Class E water or wastewater certificate and all the water or wastewater treatment technology subclassifications, will be issued either a water or wastewater master certificate for that class.

§ 302.1002. Certification classes and subclassifications of water system operators.

(a) There are 7 water classes and 14 water treatment technology subclassifications that correspond to the water

system classifications and treatment technology subclassifications defined in § 302.901 (relating to classification and subclassifications of water systems).

(b) To hold a valid Class A, B or C water certificate, the operator shall meet all the certification requirements set forth in § 302.103 (relating to scope) for at least one water treatment technology subclassification defined in § 302.901 (relating to classification and subclassifications of water systems).

(c) To hold a valid Class D or E water certificate, the operator shall meet the certification requirements in § 302.103 but is not required to have a subclassification, unless the operator is involved in making process control decisions involving one of the subclassification treatment technologies defined in § 302.901.

(d) A Dc or Dn certificate is a stand-alone certificate and does not include any water treatment technology subclassifications.

(e) Water operators with a Class A, B, C or D water certificate that also make process control decisions in the distribution system shall also have the Class E certificate.

§ 302.1003. Certification classes and subclassifications of wastewater system operators.

(a) There are five wastewater classifications and four wastewater treatment technology subclassifications that correspond to the wastewater treatment system classifications and treatment technology subclassifications defined in § 302.902 (relating to classifications and subclassifications of wastewater systems).

(b) Certified wastewater operators holding an A, B, C or D classification will have at least one wastewater treatment technology subclassification.

(c) The Class E wastewater classification will be combined with Subclassification 4 as a stand alone certificate for operators of wastewater collection systems who meet the requirements for certification as defined in § 302.103. (relating to scope).

(d) Wastewater operators with a Class A, B, C or D wastewater certificate that also make process control decisions in the collection system shall also have the E4 certificate.

§ 302.1004. Operator-in-training status.

(a) The operator-in-training status shall apply to an individual passing the certification examinations who has not yet met the minimum education and experience requirements in §§ 302.701 and 302.703 (relating to minimum education requirements; and experience requirements).

(b) An operator-in-training status is valid until the individual demonstrates the education and experience requirements as defined in §§ 302.701 and 302.703 have been met and the Board issues a certificate.

(c) An individual with operator-in-training status will not independently make process control decisions or serve as the available operator for a water or wastewater system.

(d) An operator-in-training may concurrently hold a water and wastewater operator-in-training status.

§ 302.1005. Grandparented operators.

(a) This section applies to those operators of nontransient noncommunity water systems, satellite wastewater collection systems containing a pump stations

or single entity wastewater collection systems who were granted a grandparented certificate by the Board.

(b) Grandparented certificates are site, size and technology specific and not transferable to any other water or wastewater system.

(c) A grandparented certificate is temporary and will expire within 3 years of the date of issuance. A certified operator who was grandparented shall meet the conditions for certification renewal including the submittal of an application for certification action for renewal defined in § 302.201 (relating to form of application) and completion of the continuing education requirements defined in § 302.802 (relating to continuing education requirements for certificate renewal).

(d) The grandparented certificate is no longer valid if one of the following applies:

(1) The certified operator moves to another water or wastewater system.

(2) The system subclassification changes because of a modification or addition, or both, of treatment technology.

(3) There are violations attributed to the operator that threaten the public health, the environment and public safety.

(e) If a grandparented certificate is no longer valid, the operator shall meet the requirements for certification as identified in § 302.103 (relating to scope).

§ 302.1006. Laboratory supervisor certification.

(a) There will be a laboratory supervisor subclassification (15) for individuals responsible for the supervision of testing or analysis of environmental samples and reporting of analytical data for water supply systems in a Pennsylvania-accredited environmental laboratory operated by a water system.

(b) There will be a laboratory supervisor Subclassification (5) for individuals responsible for supervision of the testing or analysis of environmental samples and reporting of analytical data for wastewater systems in a Pennsylvania-accredited environmental laboratory operated by a wastewater or industrial waste system.

(c) A certified operator, including those holding a master certificate, will not be qualified by the Department for a laboratory supervisor certificate without meeting the requirements in this section.

(d) Laboratory supervisor certification is not required to qualify for a master certificate in water or wastewater.

(e) An applicant for laboratory supervisor's certification for drinking water or wastewater shall have 2 years of experience in the testing and analysis of environmental samples for water or wastewater systems.

(f) An applicant for laboratory supervisor's certification for drinking water or wastewater systems shall hold a valid operator's certificate and demonstrate the knowledge, skills and abilities needed to be a laboratory supervisor by obtaining a passing score on either the Part II Laboratory Supervisor for Water Systems or Part II Laboratory Supervisor for Wastewater Systems examination.

Subchapter K. PROFESSIONAL ENGINEERS

Sec.

302.1101. General provisions.

302.1102. Issuance of initial certification for a professional engineer.

302.1103. Experience requirements for professional engineers.

§ 302.1101. General provisions.

(a) This subchapter applies to a professional engineer registered under the Engineer, Land Surveyor and Geologist Registration Law (63 P. S. §§ 148—158.2) who has been successfully examined in civil, environmental or sanitary engineering and is a certified operator, or an applicant for operator certification.

(b) A professional engineer applying for certification action shall meet the same requirements as provided for by the act, this part, and other Department rules and regulations related to the operation of a water or wastewater system, except for those provided for in this subchapter.

§ 302.1102. Issuance of initial certification for a professional engineer.

A professional engineer shall submit an application for certification action in accordance with § 302.201 (relating to form of application). The engineer shall also meet the requirements for certification in § 302.103 (relating to scope). When requesting a certificate under this subchapter, the applicant shall provide written proof of a valid professional engineer's license.

§ 302.1103. Experience requirements for professional engineers.

In addition to those activities defined in § 302.704 (relating to determining qualifying experience), other activities specifically associated with the responsibilities and duties of a professional engineer may be eligible as qualifying experience for an applicant. These activities include the following:

- (1) Plant start-up activities.
- (2) Development of standard operating procedures.
- (3) An operation and maintenance plan, or an emergency response plan for a water or wastewater system.
- (4) Consulting activities associated with water or wastewater system operations.
- (5) Activities associated with testing pilot technology.
- (6) Activities related to operational inspections completed by a professional engineer.

Subchapter L. SYSTEM OPERATION

Sec.

- 302.1201. Duties of operators.
- 302.1202. Duties of owners.
- 302.1203. Process control decisions.
- 302.1204. Standard operating procedures.
- 302.1205. Number of required certified operators.
- 302.1206. Operator in responsible charge.
- 302.1207. Operation of multiple treatment systems (Circuit Rider).
- 302.1208. Programmable logic controls (PLCs) and supervisory control and data acquisition systems (SCADA).
- 302.1209. Satellite collection systems.

§ 302.1201. Duties of operators.

(a) A certified operator shall comply with applicable Federal and State laws, the act, this part, and other Department rules and regulations related to the operation of water and wastewater systems to protect the environment and public health and safety. A certified operator shall provide for the suitable operation and maintenance of a water or wastewater system utilizing available resources needed to comply with applicable laws, rules and regulations and permit conditions or requirements. The Department will recognize the ability of the certified operator to meet these requirements is in part dependent upon the available resources and responsibilities assigned by the system owner.

(b) Available operator tasks necessary to control the operation and provide for the maintenance of a water or wastewater system may include:

- (1) Controlling the selection of, or flow from, an existing permitted source to a water system.
- (2) Controlling the selection of flow to a water distribution system.
- (3) Controlling the flow from a wastewater system to the waters of this Commonwealth as defined in the NPDES or The Clean Streams Law permit for the system.
- (4) Controlling the processing of raw, treated or finished water or wastewater.
- (5) Preparing and controlling chemical or biological, or both, addition for water or wastewater treatment.
- (6) Observing and taking the necessary actions in response to variations in operating conditions.
- (7) Adjusting system processes based on monitoring data.
- (8) Performing calculations for process control.
- (9) Operating valves or gates, or both, either manually or by remote control.
- (10) Starting or stopping pumps or increasing or decreasing pump rates.
- (11) Providing for proper source water protection.
- (12) Directing the actions of certified and noncertified operators.
- (13) Taking an action to maintain a system's equipment to prevent pollution or a permit violation.
- (14) Overseeing or performing the collection, analysis and interpretation of all process control and self-monitoring samples of the water or wastewater systems.
- (15) Preparing and submitting applicable reports to the appropriate persons or agencies.
- (16) Developing, approving or using a process control plan that is specific to the treatment needs and conditions of the system.

(c) Certified operators shall submit a written report to the system owner documenting any known violations or system conditions that may potentially cause or are causing violations of any Department regulation or permit conditions or requirements. This written report shall be sent to the owner by registered mail with a return receipt requested, by hand carrying the report to the owner and receiving a signed receipt, or by any mail service with a receipt requested. The report must include the following:

- (1) The name of the certified operator filing the report.
- (2) The date.
- (3) The nature of the violation or system conditions.
- (4) The suspected cause of the violation or system conditions, including the lack of needed resources.
- (5) The degree of severity or threat to public health, safety or the environment of the violation or system conditions.
- (6) Any actions or mitigating measures associated with process control necessary to prevent or eliminate a violation of applicable water or wastewater system laws, rules and regulations and permit conditions and requirements.

(d) The available operators making process control decisions are responsible for those decisions and conse-

quences, unless the owner fails to respond to a written report as required in subsection (c) or there is a deliberate action with malice or negligence on the part of an employee under the supervision of the available operator.

§ 302.1202. Duties of owners.

(a) An owner of a water or wastewater system shall:

- (1) Comply with the applicable Federal and State laws.
 - (2) Comply with the rules and regulations and permits associated with a water or wastewater system to protect the environment, public health and safety.
 - (3) Insure all process control decisions at the systems are made by available operators with a valid operator's certificate with the appropriate classes and subclassifications.
 - (4) Post the names of the available operators in the treatment area of the system, including the method of contacting them if they are not onsite.
 - (5) Take appropriate action in a timely manner to written reports required under § 302.1201(c) (relating to duties of operators) from certified operators and make a "good faith" effort to address problems and concerns identified in these reports.
 - (6) Provide a copy of all current, relevant water and wastewater permits to all available operators.
- (b) On an annual basis, a system owner shall report to the Department:
- (1) The system name, address, phone number and e-mail address (if available).
 - (2) The name and title of the system representative providing the information.
 - (3) The system owner name, address, phone number and e-mail address (if available).
 - (4) The Public Water System Identification number, NPDES permit numbers or Water Quality Management Part II permit numbers for the system.
 - (5) The name, client ID, address, phone number and email (if available) of all available operators employed by the owner at the system and the operators' classes and subclassifications.
 - (6) The designation of an operator in responsible charge if the owner chooses to develop and utilize standard operating procedures.

(c) A system owner shall notify the Department in writing within 10-calendar days of the addition, loss, change or replacement of an available operator. The owner shall provide at that time the name, client ID, and class and subclassification of all operator changes.

(d) Upon written request from an owner, the Department will provide current water and wastewater permits to the operator in responsible charge designated by the owner.

§ 302.1203. Process control decisions.

(a) An available operator shall make all process control decisions. These decisions may be made onsite, from a remote site, by the use of standard operating procedures approved by the operator in responsible charge, or by using a programmable logic control (PLC) system as provided by § 302.1208 (relating to programmable logic controls (PLCs) and supervisory control and data acquisition systems (SCADA)).

(b) A certified operator can make process control decisions for systems with a smaller hydraulic design capac-

ity, provided they are certified with the appropriate treatment technology-based subclassifications.

(c) The Department may require a system to have a process control plan that includes, as necessary, the following:

- (1) A flow diagram of the entire treatment process.
- (2) The identification of individual treatment units by type.
- (3) A description of the treatment process provided by each treatment unit.
- (4) The anticipated level of treatment provided by each treatment unit.
- (5) The normal influent and effluent operating ranges for each wastewater or water treatment unit.
- (6) A description of the average and seasonal characteristics of the raw water or wastewater influent.
- (7) Any standard operating procedures.
- (8) The methods to be utilized to monitor and adjust treatment processes.
- (9) The identification of the key processes and equipment associated with these processes.
- (10) An outline of how key processes and equipment will be monitored if the system is without staff during daily operations.
- (11) The trigger parameters for each unit that requires a process control decision.
- (12) A preventive and emergency maintenance plan for all process control-related equipment including a replacement parts inventory and emergency repair method.
- (13) The procedures for emergency operations when security has been breached or natural disasters threaten public safety, the environment and property.
- (14) The wastewater treatment methods and strategies to assure proper treatment during wet weather operations.
- (15) A plan for wasting, treating and disposing of solids associated with wastewater treatment.

(d) Plans required under other Department rules and regulations applicable to the operation of a drinking water or wastewater system may satisfy the requirement for a process control plan as determined by the Department.

(e) The Department taking an action necessary to protect the environment and public health during designated emergency situations, to obtain compliance with permit requirements, and rules and regulations or to address permit requests and compliance issues is not considered a process control decision. Other actions not considered to be process control decisions include actions taken by:

- (1) Local government to approve new residential, industrial or commercial land development creating additional treatment, collection or distribution demands upon a system or to comply with a pretreatment program.
- (2) Emergency personnel to protect property and lives.

§ 302.1204. Standard operating procedures.

(a) Standard operating procedures are written documents outlining the actions necessary to make process control decisions given established operational quantitative and qualitative parameters for the system or treatment units within the system.

(b) Standard operating procedures must:

(1) Include the name of the operator in responsible charge.

(2) Identify the operators that may utilize the standard operating procedures to make process control decisions.

(3) Include the treatment processes covered by the standard operating procedures and the treatment processes that are not covered and require the operator to contact the operator in responsible charge for a decision on the appropriate process control.

(4) Identify the trigger parameters for the treatment processes and the appropriate actions to be taken for each treatment process.

(c) Standard operating procedures shall be approved in writing and dated by the operators in responsible charge, and available at the system for review.

(d) The use of standard operating procedures is an optional method, available to the operator in responsible charge, to allow operators under the operator in responsible charge's direct supervision to implement process control decisions. The decision to use standard operating procedures depends on the complexity and personnel of the system.

(e) An operator in responsible charge using standard operating procedures shall notify the system owner that these standard operating procedures are in use.

(f) The Department may request a copy of a system's standard operating procedures to determine the use of the procedures by the operators or the effectiveness of the procedures to insure compliance with appropriate permits, rules and regulations and laws.

(g) Standard operating procedures may be in an electronic form to facilitate searching for, and retrieval of, information by an operator. These standard operating procedures must be in an electronic form that cannot be changed without evidence of tampering. The standard operating procedures must also indicate where the original signed paper copy or copies are maintained and the name of the operator in responsible charge who signed them. The content of the electronic version of the standard operating procedures must be identical to the current signed paper standard operating procedures. If differences are found between the electronic form and the original signed paper copy of the standard operating procedures, the original signed paper copy will be considered the official version of the standard operating procedures.

§ 302.1205. Number of required certified operators.

A system shall have the number of available operators necessary to comply with Federal and State laws, and rules and regulations associated with water or wastewater systems to protect the environment and public health and safety.

§ 302.1206. Operator in responsible charge.

(a) A system owner shall provide to the Department on an annual basis the name, client ID, and certificate number of any operators in responsible charge. The system owner shall notify the Department of changes in the operators in responsible charge within 10 days of the change. System owners shall notify the operators in responsible charge of this designation in writing.

(b) An operator in responsible charge shall hold a valid certificate with the classes and subclassifications as defined in §§ 302.1002 and 302.1003 (relating to certifica-

tion classes and subclassifications of water system operators; and certification classes and subclassifications of wastewater system operators) that correspond to the system's classification and subclassification as defined in §§ 302.901 and 302.902 (relating to classifications and subclassifications of water systems; and classifications and subclassifications of wastewater systems).

(c) A grandparented operator can be designated as the operator in responsible charge.

(d) The duties of the operator in responsible charge will include:

(1) The approval of any standard operating procedures.

(2) The development of a process control plan when requested by the Department.

(e) The operator in responsible charge, who is the approving authority for the standard operating procedures for a system, is accountable for any permit violations or violations of any applicable rules and regulations which may occur when an operator follows these standard operating procedures.

§ 302.1207. Operation of multiple treatment systems (Circuit Rider).

(a) An available operator may make process control decisions at more than one system. A circuit rider shall meet all the requirements of the act, this part, and other Department rules and regulations related to the operation of a water or wastewater system.

(b) An owner may use the services of a circuit rider to meet the requirements of the act, this part, and other Department rules and regulations related to the operation of a water or wastewater system.

(c) A system owner shall notify the Department within 10 days when a circuit rider is employed to operate the system.

(d) A circuit rider shall develop and submit a general work plan to the owner of each system that includes:

(1) The name and location of the circuit rider's primary business.

(2) The name and location of each system to be included in the circuit rider program.

(3) The classification and subclassification of each system included in the circuit rider program.

(4) The number of hours per week the circuit rider works at each system, with the method of documentation to be used for each visit.

(e) A circuit rider shall develop and submit a system specific management plan to the owner of each system describing the information relevant to the owner's system. This management plan must include:

(1) The names and contact information of the available operators for that system, with a copy of the operators' certificate to be prominently displayed at the system.

(2) The standard operating procedures and a process control plan for the system.

(3) The name and method of contacting the circuit rider in case of an emergency.

(4) An estimate of the response time necessary to be physically present at the system.

(f) An available operator may not make process control decisions at more than one system until the owner has approved the specific management plan for the system.

(g) The general work plan and the system specific management plans developed for a circuit rider program shall be made available to the Department upon request.

(h) The circuit rider shall report any changes to the general work plan and provide appropriate documentation within 10 days to the owners of all the participating systems.

(i) The circuit rider shall report changes to the system specific management plan and provide appropriate documentation within 10 days to the specific owner of the system identified in the management plan.

(j) The Department may require the circuit rider to be present at a system for the purposes of Department inspection or investigation.

(k) The Department may direct an owner or available operator to cease participation in a circuit rider program if one of the following applies:

(1) The system is in violation for failure to meet the requirements of the act, this part, or other Department rules and regulations related to the operation of a water or wastewater system.

(2) There is a threat to public health, safety and the environment.

(3) Changes have occurred at the system that are not included in the system specific management plan.

§ 302.1208. Programmable logic controls (PLCs) and supervisory control and data acquisition systems (SCADA).

(a) An owner may use a PLC and SCADA system to monitor, maintain or make decisions regarding any process control activity within the water or wastewater system.

(b) A system shall have an available operator to interface with the PLC or SCADA system. The available operator will approve the operational strategy for the PLC and SCADA.

(c) A system utilizing PLC and SCADA systems shall have a backup emergency plan for making process control decisions when, or if, the PLC and SCADA system is inoperable.

(d) If an owner wants to have a PLC and SCADA system oversee more than one water or wastewater system simultaneously, the system specific management plan developed under § 302.1207 (relating to the operation of multiple treatment systems) must also identify and demonstrate how process control decisions not performed by the PLC and SCADA system will be made and demonstrate how continual staffing and monitoring of systems controlled by a PLC and SCADA system will be maintained.

§ 302.1209. Satellite collection systems.

A satellite collection system shall be required to retain the services of a Class E certified operator when:

(1) The satellite collection system is publicly owned.

(2) It is determined by the Department that a privately owned satellite collection system has in the past, or is not currently properly operated and/or properly maintained, or both; or has in the past, or is currently, experiencing sanitary sewer overflows within any portion of the satellite collection system.

(3) The owner of a privately owned satellite collection system can petition the Department after demonstrating a period of compliance to have the requirement for a certified operator removed.

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