

**TITLE 250 – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**CHAPTER 150 – WATER RESOURCES**

**SUBCHAPTER 10 - WASTEWATER & STORMWATER**

**PART 5 – Rules and Regulations for Wastewater Treatment Facility Operators**

**5.1 Purpose**

The purpose of these regulations is to establish a system to classify all Wastewater Treatment Facilities as to size and type, and to establish specifications, including examinations, education, and work experience, for issuing Certificates for Operators of each class of Wastewater Treatment Facilities to ensure the proper management, operation, and maintenance of Rhode Island Wastewater Treatment Facilities.

**5.2 Legal Authority**

These regulations are adopted pursuant to the powers and duties of the Board of Certification of Operators of Wastewater Treatment Facilities as required and authorized by R.I. Gen. Laws Chapter 42-17.4.

These regulations are promulgated pursuant to the provisions of the Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35, and are effective twenty (20) days following the date of filing with the Secretary of State.

**5.3 Prohibitions**

- A. It shall be unlawful after June 30, 1979 for any person to operate or to cause to be operated a Wastewater Treatment Facility unless the Superintendent and Assistant Superintendent of such facilities hold a Certificate issued by the Board. The Board may waive the requirement of a certified Assistant Superintendent at a Wastewater Treatment Facility designed for a flow of less than 100,000 gallons per day.
- B. It shall be unlawful after June 30, 1979 for any person to hire an individual as an Operator unless he/she holds a Certificate as required under regulations adopted pursuant to this chapter; except that the Operator may be hired without such Certificate provided that she/he obtains such Certificate within one (1) year of the date of employment.

**5.4 Definitions**

- A. "Assistant superintendent" means the individual who is an Operator who is assigned the full-time direct responsibility for the management, operation and maintenance of an entire Wastewater Treatment Facility in the absence of the Superintendent and who shall have a Certificate equal to the grade or classification of the Wastewater Treatment Facility. This person is the next person in line of authority in the absence of the Superintendent and, therefore, there can be only one Assistant Superintendent for each facility.

- 37 B. "Board" means the Board of Certification of Operators of Wastewater Treatment Facilities  
38 established by R.I. Gen. Laws § 42-17.4-1 to ensure the proper management, operation and  
39 maintenance of Wastewater Treatment Facilities by certifying an individual to be qualified to be  
40 an Operator.
- 41 C. "Certificate" or "License" means an authorizing document issued by the Board to an individual  
42 to operate one or more specified grades of Wastewater Treatment Facilities.
- 43 D. "Direct responsible charge" means the authority exercised by a Superintendent, Assistant  
44 Superintendent, Operations Supervisor or Shift Supervisor.
- 45 E. "Full time" or "Full-time" means the assigned duties at a single wastewater treatment facility of  
46 at least 35 hours/week or more unless otherwise determined by the Board.
- 47 F. "In good standing" means the status of any employee of a Wastewater Treatment Facility who  
48 has exhibited continued reasonable care, judgment and the application of his/her knowledge  
49 and ability. Any certified employee of a Wastewater Treatment Facility will not be considered to  
50 be In Good Standing if he/she has been found, after such an individual has been granted a  
51 hearing, to have performed his/her duties in a negligent manner or that he/she has practiced  
52 fraud or deception.
- 53 G. "Laboratory technician" means any Full-Time employee of and at a Wastewater Treatment  
54 Facility who is not an Operator but whose Full-Time employment is directly involved with the  
55 day-to-day process control of the facility due to their Full-Time duties performing, analyzing,  
56 and ensuring quality control for the testing of chemical, physical and biological parameters.
- 57 H. "Licensee" means any individual who has rightfully obtained an Operator's Certificate from the  
58 Rhode Island Board of Certification of Operators of Wastewater Treatment Facilities.
- 59 I. "Maintenance technician" means any Full-Time employee at a Wastewater Treatment Facility  
60 who is not an Operator but whose employment has been determined by the Board to be  
61 directly involved in the day-to-day maintenance of major process equipment.
- 62 J. "Operations supervisor" means an individual who is an Operator who works under the  
63 Superintendent, or Assistant Superintendent and is in Full-Time Direct Responsible Charge.  
64 This person must be responsible for ~~two (2)~~one (1) or more Shift Supervisors.
- 65 K. "Operator" means an individual who is so employed and assigned the Full-Time responsibility  
66 on one or more mechanical treatment units, processes, or other process functions at a  
67 Wastewater Treatment Facility.
- 68 L. "Person" means any individual, partnership, firm, association, joint venture, public or private  
69 corporation, trust estate, commission, board, public or private institution, utility, cooperative,  
70 municipality or any other political subdivision of this state, any interstate body, or any other  
71 legal entity.
- 72 M. "Shift supervisor" means an individual who is an Operator who works Full Time under the  
73 Superintendent, Assistant Superintendent, or Operations Supervisor who is assigned Full-Time  
74 direct responsibility of a shift operation of a specific process or collection of processes, such as  
75 sludge dewatering, etc. This person must be in Full-Time responsible charge for ~~two (2)~~one (1)  
76 or more Operators.

77 N. "Superintendent" means the individual who is an Operator who is assigned the Full-Time direct  
78 responsibility for the management, operation and maintenance of an entire Wastewater  
79 Treatment Facility during all work shifts at the facility and who shall hold a Certificate equal to  
80 the grade or classification of the Wastewater Treatment Facility. It does not apply to any official  
81 who does not work at the Wastewater Treatment Facility as an Operator.

82 O. "Wastewater" means used water delivered to a Wastewater Treatment Facility. From the  
83 standpoint of source, it may be a combination of the liquid and water-carried wastes from  
84 residences, commercial buildings, industrial plants, and institutions, together with any  
85 groundwater, surface water, and/or storm water that may be present.

86 P. "Wastewater treatment facility" means an arrangement of devices and structures, excluding  
87 septic tanks, constructed and installed for the purpose of treatment of Wastewater from  
88 domestic, commercial or industrial sources or combinations thereof, and which discharge its  
89 treated effluent into any surface water. Privately owned Wastewater Treatment Facilities that  
90 treat predominantly industrial wastes, or Wastewater Treatment Facilities that have sub-  
91 surface disposal, shall be excluded from the provisions of these regulations.

## 92 **5.5 Classification of Wastewater Treatment Facilities**

93 A. Each Wastewater Treatment Facility in the State of Rhode Island subject to these regulations  
94 shall be classified by the Board as Grade 1, 2, 3, or 4 based on the complexity of the  
95 wastewater treatment facility, and the equivalent population served. See Table I: Point Values  
96 for Classification of Wastewater Treatment Facilities in § 5.16 of this Part.

97 B. Classification of any treatment plant may be changed at the discretion of the Board by reason  
98 of changes in any condition or circumstance on which the original classification was  
99 predicated. Due notice of any such change shall be given to the owner, Superintendent, and  
100 Assistant Superintendent of the Wastewater Treatment Facility.

## 101 **5.6 Operator Qualifications and Classifications for Wastewater Treatment** 102 **Facilities**

103 A. Approved applicants shall be examined by the Board as to education, experience, and  
104 knowledge as related to the classification of plants. Applicants must pass the required written  
105 examination.

106 B. In evaluating qualifications of applicants, the Board will be guided by the following:

- 107 1. Experience. Applicable experience will be considered only for those duties performed at  
108 a Wastewater Treatment Facility, as defined. Applicants must provide all relevant  
109 information related to experience and current duties at Wastewater Treatment Facilities  
110 on forms or applications provided by the Board and/or Wastewater Treatment Facility,  
111 and/or another state or commonwealth certification authority and attested to by the  
112 applicant and the applicant's supervisor(s). The Board will use this information to  
113 assess levels of experience. Further evaluation may also be based on the collection of  
114 other data, such as, but not limited to, reports and inspections of the Department of  
115 Environmental Management, or other agencies having appropriate responsibilities for  
116 regulating Wastewater Treatment Facilities or Operators.

- a. Any past or current employment in which Operator duties were or are performed  
at less than 35 hours per week will require additional time-in-employment other

119 than that listed in § 5.6(C) of this Part to meet experiential qualifications for  
120 licensure. Any additional time will be determined at the Board's discretion.

- 121 b. Any Grade 1 or 2 Licensee whose experience has been based exclusively on  
122 functions that were not that of an Operator, such as but not limited to  
123 maintenance or laboratory/plant sampling activities, cannot use said experience  
124 to attain a position in Direct Responsible Charge.

- 125 2. Education. Applicable education per the requirements of § 5.6(C) of this Part must be  
126 from accredited institutions as determined by the Board. Applicants will be randomly  
127 selected and audited for proof of claims of education on any application. Such an audit  
128 will require the applicant to provide copies of documents such as diplomas, GEDs, etc.

- 129 3. Where applicable, education may be substituted for a portion of experience  
130 requirements as specified below:

- 131 a. ~~Ten (10) college-level courses in physical or biological science, math, or~~  
132 ~~engineering may be considered~~~~Two (2) years of college studies in science,~~  
133 ~~engineering, or related fields may be considered~~ as equivalent to a maximum of  
134 six (6) months of experience as an Operator but shall not include experience  
135 equivalency in any position of Direct Responsible Charge.

- 136 ~~b. Ten (10) college-level courses in business management or human resources~~  
137 ~~may be considered as equivalent to a maximum of six (6) months of experience~~  
138 ~~in Direct Responsible Charge but shall not include experience equivalency in any~~  
139 ~~position of as an Operator.~~

- 140 ~~b.c.~~ Education applied to the experience requirement cannot also be applied to the  
141 education requirement.

- 142 4. Substitutions for formal education may be made at the Board's discretion as follows:

- 143 a. Satisfactory completion of applicable courses of study approved by the Board  
144 may be considered as equivalent to passing the Grade 1 Operator Exam should  
145 the successful completion of the course occur within two years of employment at  
146 a Rhode Island Wastewater Treatment Facility.

- 147 b. An acceptable high school equivalency certificate may be used to substitute for a  
148 high school diploma.

- 149 C. Four (4) grades of Licensees are hereby established. All candidates for licensure must at a  
150 minimum hold a high school diploma, or have attained a GED, and meet the following grade-  
151 specific requirements:

- 152 1. Grade 1 - All applicants for this grade must submit satisfactory evidence of the  
153 completion of one (1) year employment in good standing at a Wastewater Treatment  
154 Facility and:

- 155 a. A passing score on the Grade 1 examination offered by the Board; or,  
156 b. Successful completion of a Board-approved training course within ~~two (2)~~five (5)  
157 years prior to application.

158 2. Grade 2 - All applicants for this grade must pass a Grade 2 examination and must  
159 submit satisfactory evidence of one (1) year of experience in operations at a  
160 Wastewater Treatment Facility and a passing score on the Grade 2 exam offered by the  
161 Board. An applicant does not need to possess a full Grade 1 or a Grade 1 OIT to apply  
162 for the Grade 2 exam.

163 3. Grade 3 - All applicants for a Grade 3 License must pass a Grade 3 examination.  
164 Qualifications to sit for the Grade 3 exam include the possession of a full Grade 2  
165 License and the submission of satisfactory evidence of either:

166 a. A Bachelor's or Master's degree in science, engineering, or related fields and two  
167 (2) years of employment In Good Standing in Direct Responsible Charge at a  
168 Wastewater Treatment Facility of Grade 2 or higher; or,

169 b. Successful completion of a two (2) year college curriculum, with the equivalent of  
170 one (1) full year consisting of courses with a passing score in science,  
171 engineering, or related fields; and four (4) years of employment as an Operator In  
172 Good Standing, two (2) of which are to be in Direct Responsible Charge at a  
173 Wastewater Treatment Facility of Grade 2 or higher; or,

174 c. Possession of five (5) years of employment as an Operator In Good Standing, of  
175 which three (3) are in Direct Responsible Charge at a Wastewater Treatment  
176 Facility of Grade 2 or higher.

177 4. Grade 4 - All applicants for a Grade 4 License must pass a Grade 4 examination.  
178 Qualifications to sit for the Grade 4 exam include the possession of a full Grade 3  
179 License and the submission of satisfactory evidence of either:

180 a. A Bachelor's or Master's degree in science, engineering, or related fields and  
181 three (3) years of employment In Good Standing in Direct Responsible Charge at  
182 a Wastewater Treatment Facility of Grade 3; or,

183 b. Successful completion of at least two (2) years of college, the equivalent of one  
184 (1) full year consisting of courses with a passing score in science, engineering, or  
185 related fields; and five (5) years of employment as an Operator In Good  
186 Standing, three (3) of which are Direct Responsible Charge at a Wastewater  
187 Treatment Facility of Grade 3; or,

188 c. Possession of six (6) years of employment as an Operator In Good Standing, of  
189 which three (3) are in Direct Responsible Charge at a Wastewater Treatment  
190 Facility of Grade 3 or higher.

191 D. Any individual employed Full Time as either a Maintenance Technician or a Laboratory  
192 Technician, while not required to become certified, may be allowed to become certified ~~up to~~  
193 Grade 2 only with the following provisions:

194 1. Laboratory Technicians may be allowed to become certified up to Grade 2 only, ~~with the~~  
195 ~~following provisions:~~

196 2. Maintenance Technicians may be allowed to become certified up to Grade 2 only unless  
197 they meet the requirements of 5.10.G.

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198 12. Any individual's experience while employed as a Maintenance Technician or Laboratory  
199 Technician cannot be considered for the operations experience requirements of the  
200 Grade 3 or Grade 4 License.

201 23. Any Grade 1 or 2 License that has been obtained exclusively through experience in  
202 ~~maintenance~~ or laboratory/plant sampling activities will not be eligible to meet the  
203 licensure requirements for any subsequent operations position in Direct Responsible  
204 Charge.

205 E. The following positions are required to be certified as follows:

Position	Minimum Grade
Superintendent	Grade of the Wastewater Treatment Facility.
Assistant Superintendent	Grade of the Wastewater Treatment Facility.
Operations Supervisor	One grade less than the Wastewater Treatment Facility, or Grade 2, whichever is higher.
Shift Supervisor	Grade 2.

207 All Operators not otherwise specified shall be required to have at least a Grade 1 Certificate.

208 F. ~~All persons holding the positions of Operations Supervisor or Shift Supervisor as of September~~  
209 ~~17, 1991, shall be exempt from § 5.6(C) of this Part; however such exemption shall be valid~~  
210 ~~only at the facility where such person was employed as of such date.~~

### 211 5.7 Issuance of Operator-in-Training Certificate

212 A. The Board may permit an applicant for any grade to take an examination in a given grade, if  
213 the individual has submitted evidence of education and experience satisfactory to the Board for  
214 the purpose of becoming an "operator-in-training" ("OIT"). OIT Certificates may be valid for up  
215 to three (3) years, therefore any applicant for examination must at the time of examination  
216 require only a maximum of three (3) years additional experience.

217 B. Upon successfully passing the examination the applicant shall be issued an OIT Certificate for  
218 the grade applied for.

219 C. A holder of an OIT Certificate may, with the consent of the Board, be allowed in certain  
220 circumstances to operate a treatment facility of his examined grade on a temporary basis until  
221 his/her experience requirements are met.

### 222 5.8 Issuance of a Provisional Certificate

223 A non-renewable six (6) month provisional Certificate may be issued to a Superintendent or Assistant  
224 Superintendent, Operations Supervisor, or Shift Supervisor only in specific instances:

225 A. Where the Board deems necessary, and;

226 B. Where the Board is satisfied that such an individual is able to meet all requirements of a  
227 particular grade including, but not limited, to experience and education.

## 228 **5.9 Applications**

229 A. Any individual desiring to be certified shall file an application with the Board not less than thirty  
230 (30) days before the date of the examination, on an application form provided by the Board.

231 B. The application for initial Rhode Island licensure shall be accompanied by a fee of ten dollars  
232 (\$10.00). Once certified in Rhode Island, subsequent applications for higher License shall be  
233 accompanied by a fee of five dollars (\$5.00). The bi-annual renewal fee will be ten dollars  
234 (\$10.00). A technology/processing fee may be added to said application and renewal fees  
235 should an online payment method be used.

236 C. The Board shall review applications and supporting documents, determine the eligibility of the  
237 applicant for examination and notify the applicant of the same.

238 D. The application fee will not be returned should the application be denied or upon failure to pass  
239 the examination.

## 240 **5.10 Examinations**

241 A. The Board shall prepare written examinations to be used in determining knowledge, ability and  
242 judgment of the operators.

243 B. Examinations shall be held at least twice annually at a place and time set by the Board.  
244 Notification of examination shall be posted at least sixty (60) days in advance of the  
245 examination date.

246 C. Except in such cases as the Board may decide, all examinations shall be written. All  
247 examinations shall be graded by the Board or by its designees, and the applicant shall be  
248 notified of the outcome in writing. Papers used in the examination will not be returned to the  
249 applicant, but the results may be reviewed with a member of the Board, or its designee, upon  
250 request by the applicant up to thirty (30) days after notification of the results.

251 D. The Board will grade all exams with a minimum passing score of 70 percent (70%). No  
252 examination will be scaled.

253 E. Applicants who fail to pass an examination may apply to be re-examined at a regularly  
254 scheduled examination.

255 F. A Grade 2 Operator meeting all of the requirements of the Grade 3 examination except being  
256 in Direct Responsible Charge may apply to take the Grade 3 examination.

257 1. If the application is approved by the Board and the individual passes the Grade 3 exam,  
258 that person would receive a notice of passing valid either for a period of ~~two (2)~~five (5)  
259 years from the examination date should the person maintain licensure at the Tier One  
260 Level or indefinitely should (and while) the person maintain licensure at the Tier Two  
261 Level, provided that each renewal period at the Tier Two Level include within the  
262 required twenty hours of training a minimum of five (5) hours in employee management  
263 and/or labor relations.

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264 2. If that individual secures a position of Direct Responsible Charge at a Wastewater  
265 Treatment Facility during the period of validity (whether ~~two-(2)-~~five (5) years from the  
266 date of passing for a person maintaining a Tier One Level License or indefinitely for a  
267 person maintaining a Tier Two Level), he/she would not be required to take the  
268 examination to be eligible for an OIT Certificate. (See § 5.11(B)(4) of this Part for  
269 information on renewal tiers).

270 G. A Grade 2 licensee currently employed as a Maintenance Technician in a full-time supervisory  
271 role of one or more Maintenance Technicians may apply to take the Grade 3 examination.

272 1. Should the Board approve the application for Grade 3 examination, a passing score of  
273 the exam would be valid for five (5) years from the examination date should the person  
274 maintain licensure at the Tier One Level or indefinitely should (and while) the person  
275 maintain licensure at the Tier Two Level, provided that each renewal period at the Tier  
276 Two Level include within the required twenty hours of training a minimum of five (5)  
277 hours in employee management and/or labor relations.

278 2. Should the individual attain a position as an Operator during that time, the Board may  
279 then grant a Grade 3 OIT until such time as all appropriate operations experience  
280 qualifications are met. Past experience as an Operator may be counted toward the  
281 required time as an Operator

282 GH. Individuals not employed at an approved Wastewater Treatment Facility in the State of Rhode  
283 Island shall not be allowed to sit for examination.

## 284 **5.11 Certification**

285 A. Upon satisfactory fulfillment by an applicant of the provisions of the rules and regulations  
286 adopted by the Board, the Board shall issue a suitable Certificate designating competency.  
287 This two-(2-)year Certificate shall expire at the end of every other calendar year and may be  
288 renewed thereafter for additional two (2) year periods. The Certificate shall indicate the grade  
289 of treatment facility for which the operator is qualified. The Certificates for Superintendent and  
290 Assistant Superintendents shall be prominently displayed in the office of the Wastewater  
291 Treatment Facility.

292 B. A newly issued Certificate shall expire at the end of odd-numbered calendar years and may be  
293 renewed for additional two (2) year periods thereafter.

294 1. Licensees who are no longer employed at a Rhode Island Wastewater Treatment  
295 Facility may continue to renew their Certificate.

296 2. Licensees will be notified at their address of record as to the expiration of their  
297 Certificate, and the necessity to renew. All renewals and payments must be received by  
298 December 31 of the year of expiration.

299 a. The license of any individual who does not apply for renewal by December 31st  
300 of every odd-numbered calendar year will expire. However, the Board will send a  
301 second (2nd) notice to the licensee by Certified Mail stating the individual has  
302 until February 15th (or the following business day) to apply for renewal and pay a  
303 late fee of fifty dollars (\$50.00) in addition to the renewal fee. A copy of the  
304 second (2nd) notice will be sent to the Operator's Superintendent if the Licensee  
305 is employed at a Rhode Island Wastewater Treatment Facility.

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- 306 b. If a Licensee does not renew by February 15th and pay the renewal fee and the  
307 \$50 late fee, the expiration of said License will remain permanently in effect.  
308 Once an individual's License is permanently expired, said individual will no longer  
309 be able to work as an operator at a Wastewater Treatment Facility in the State of  
310 Rhode Island.
- 311 c. Should the Board be unable to contact a Licensee whose address of record has  
312 changed and no forwarding address is available, and if that Licensee is no longer  
313 working at a Wastewater Treatment Facility in Rhode Island, the Board will make  
314 no further attempt at notification regarding licensure expiration.
- 315 d. Re-certification will be through examination only.
- 316 3. Should the Board determine that a substantial number of acceptable training courses  
317 are available to all grades of Rhode Island Licensees, then the Board may institute a  
318 Mandatory Retraining for Renewal (MRR) requirement which will operate with the  
319 following guidelines:
- 320 a. The Board must notify Licensees, within ninety (90) days of the close of a two-  
321 year licensure period that the MRR is presently in effect. Hence, in order to  
322 renew an Operator License for the next renewal date (i.e., in approximately two  
323 (2) years) a minimum amount of training will be required.
- 324 b. All Licensees must satisfactorily attain twenty (20) hours of acceptable training  
325 within the two year period.
- 326 c. Training hours, to be considered acceptable and to be applied to a Licensee's  
327 training hours, must be achieved from a course, seminar, or other curriculum  
328 which has been approved by the Board. Any course, seminar or curriculum will  
329 be reviewed by the Board or its designees for purposes of granting prior  
330 approval.
- 331 d. The Licensee is responsible for ensuring that a course, seminar or other  
332 curriculum is approved by the Board, and that those hours with that course can  
333 be accredited to the Operator's training requirements.
- 334 e. The burden of proof lies with the Licensee to satisfy the Board that any course,  
335 seminar, or other curriculum not previously approved by the Board meets Board  
336 criteria and should be approved for credit.
- 337 f. The Board is not responsible for notifying Licensees of their individual status  
338 and/or the number of credited hours which they have attained. Additionally, it is  
339 ultimately the individual Licensee's responsibility to inform the Board of any  
340 training hours to be applied to their training hours.
- 341 g. At the close of the two year renewal period, the Board will determine if each  
342 Licensee has been credited with the required hours of acceptable training.
- 343 h. If a Licensee has not acquired the required hours, as specified above, then the  
344 License will not be renewed and the License will then be invalid. With an invalid  
345 License, the individual will not be able to work as an Operator at a Wastewater  
346 Treatment Facility in the State of Rhode Island. Recertification will be by  
347 examination only.

- 348 4. At the time of License renewal, a Licensee may choose to renew their License in either  
349 one or the other of two licensure tiers: Tier One is reserved for renewals without  
350 participation in optional training protocols; Tier Two renewal will include documentation  
351 that the Licensee has, at their own discretion, met particular training requirements,  
352 enumerated below.
- 353 a. Renewal in Tier One will result in standard Grade 1, Grade 2, Grade 3, or Grade  
354 4 licensure levels; Tier Two renewals will result in a Grade 1T, Grade 2T, Grade  
355 3T, or Grade 4T. No matter what Tier the Licensee holds, the Licensee can then  
356 choose during that renewal period to participate in the requisite training so that  
357 subsequent renewal may be achieved at the Tier Two level.
- 358 b. For the purposes of these regulations, participation in the Tier Two level is  
359 optional.
- 360 c. Both Tiers will meet the intent of statutory and regulatory Wastewater Operator  
361 licensure requirements.
- 362 d. To participate in Tier Two licensure renewal, the Licensee must submit adequate  
363 documentation at the time of renewal of the successful completion of training per  
364 the following:
- 365 (1) Operators seeking to participate in the Tier Two licensure renewal status  
366 must attain 20 (twenty) training hours during the prior renewal period.
- 367 (2) To be credited toward the required amount of 20 (twenty) hours, a training  
368 event/program must be approved by the Board.
- 369 (3) Approved training may include professional conferences, classroom  
370 training, and in-house training programs or active participation in the  
371 Narragansett Water Pollution Control Association's Operator Challenge  
372 Team.
- 373 (4) Applicable training is intended to be in topics that are not required for the  
374 performance of an Operator's required duties, however the Board will  
375 accept requests for approval for any training opportunity. The Board holds  
376 the final authority as to the applicability of a particular training course for  
377 use by an individual operator. Training required by the licensee's employer  
378 as a condition of employment will not be applicable to meet the intent of  
379 this provision.
- 380 (5) Unless otherwise requested at the time of renewal application, Licenses  
381 will be renewed at the Tier One level.
- 382 (6) Random audits will examine the validity of submitted information for Tier  
383 Two renewal; a determination that false or misleading information has  
384 been submitted regarding training contact hours may result in the  
385 revocation of the License.
- 386 (7) The Board reserves the right to rescind a prior approval of a training  
387 course and remove any hours from an operator's total training hours that  
388 were gained through that course.

- 389 C. As a condition of certification, Licensees are responsible for informing the Board in writing as  
390 to a change of address or a change in employment status. Said notification must be within  
391 thirty (30) calendar days of said change.
- 392 D. Superintendents of a facility are responsible for notifying the Board when their facility hires a  
393 new operator. Said notification must be within thirty (30) calendar days of the hiring and must  
394 include the operator's full name, address, social security number and starting date.
- 395 E. Should a facility be upgraded or reclassified, all positions in Direct Responsible Charge must  
396 attain through examination (or, if so qualified, equivalency) the required certification levels per  
397 § 5.6(E) and 5.6(F) of this Part prior to the initiation of operations or start-up procedures for the  
398 facility.
- 399 F. Certificates may be issued, upon application, without examination, in a comparable  
400 classification to any individual who holds a Certificate issued by any state, recognized by the  
401 Association of Boards of Certification, if in the judgment of the Board, the requirements for  
402 certification of Operators under which such individual's Certificate was issued are equivalent to  
403 the requirements of these regulations.
- 404 1. A Certificate issued under the provisions of this sub-rule is valid at any Wastewater  
405 Treatment Facility.
- 406 2. In order for an applicant to obtain a Rhode Island Grade 4 Wastewater Treatment  
407 Facility Operator's License on the basis of the applicant's possession of an Operator's  
408 License issued by another recognized certifying authority, the applicant must also  
409 demonstrate the following to the satisfaction of the Board:
- 410 a. That the applicant provides valid evidence that he/she is employed or has been  
411 accepted for employment as an Assistant Superintendent or a Superintendent at  
412 a Grade 4 Wastewater Treatment Facility in the state of Rhode Island;
- 413 b. That his/her employment as an equivalent Grade 4 Wastewater Treatment  
414 Facility Operator at a Wastewater Treatment Facility located in the state which  
415 issued the equivalent Grade 4 Wastewater Treatment Facility operator's License  
416 must have terminated no earlier than one (1) year prior to the filing of his/her  
417 application with the Board; and,
- 418 c. That his/her employment as an equivalent Grade 4 Wastewater Treatment  
419 Facility Operator in the state which issued the equivalent Grade 4 Wastewater  
420 Treatment Facility Operator's License completed his/her service In Good  
421 Standing.
- 422 G. Certificates issued without examination to those Operators so employed as of June 30, 1979  
423 shall be valid only in that facility at which the Operator was employed at the time of  
424 certification.

## 425 **5.12 Revocation of Certificates**

- 426 A. The Board may suspend or revoke the Certificate of an Operator, Laboratory Technician or  
427 Maintenance Technician when it finds that he/she performed his/her duties in a negligent  
428 manner that produced an effluent below the standards normal for the particular facility  
429 operated; or that he/she has practiced fraud or deception; or that reasonable care, judgment or  
430 the application of his/her knowledge or ability was not used in the performance of his/her

431 duties; or that an individual is incompetent or unable to perform his/her duties properly. In  
432 determining when such action(s) may be necessary, the Board may use Table III as a  
433 reference for suggested levels of action.

- 434 B. Before the Board may institute proceedings to suspend or revoke a Certificate, it will send  
435 notice, by certified mail to the individual whose Certificate is being considered for suspension  
436 or revocation, of the facts or conduct which warrant the intended action. The notice shall afford  
437 the individual thirty (30) days from receipt of the notice to submit a written response or request  
438 a meeting before the Board to show compliance with all lawful requirements for the retention of  
439 the Certificate. If the Certificate holder fails to submit a written response or request a meeting  
440 before the Board to show compliance within thirty (30) days of the receipt of said notice or fails  
441 to show cause why the Certificate should not be revoked, the Board may revoke the Certificate  
442 in accordance with these regulations, R.I. Gen. Laws Chapters 42-17.4 through 42-17.8, and  
443 R.I. Gen. Laws Chapter 42-35. The notice of revocation shall be mailed by certified mail to the  
444 Certificate holder.
- 445 C. If the Board finds that public health, safety, or welfare imperatively requires emergency action,  
446 and incorporates a finding to that effect in its order, summary suspension of a Certificate may  
447 be ordered pending proceedings for revocation. These proceedings shall be promptly instituted  
448 and determined.
- 449 D. The Certificate holder may request a hearing on the suspension or revocation of the Certificate  
450 with the Board. The request for hearing must be received by the Board within thirty (30) days  
451 of the date of receipt of the notice of suspension or revocation. The hearing shall comply with  
452 the requirements of R.I. Gen. Laws § 42-35-9. Appeal from the final decision of the Board may  
453 be made as provided under R.I. Gen. Laws Chapter 42-35.

### 454 **5.13 Penalty for Violations**

455 Pursuant to R.I. Gen. Laws Chapters 42-17.4 through 42-17.10, any person who shall be found guilty  
456 of violations of any of the provisions of the rules and regulations for Wastewater Treatment Facility  
457 Operators shall be punished by a fine of not more than five hundred dollars (\$500.00) or by  
458 imprisonment for not more than thirty (30) days, or by both fine and imprisonment, and every person  
459 shall be deemed guilty of a separate and distinct offense for each day during which the violation is  
460 repeated or continued.

### 461 **5.14 Severability**

462 If any provision of these rules and regulations or the application thereof to any person or  
463 circumstance is held invalid by a court of competent jurisdiction, the remainder of the rules and  
464 regulations shall not be affected thereby. The invalidity of any rule or rules or parts of any rule or rules  
465 shall not affect the validity of the remainder of these rules and regulations.

### 466 **5.15 Superseded Regulations**

467 These regulations supersede "Rules and Regulations for Wastewater Treatment Facility Operators"  
468 dated September, 1998.

469

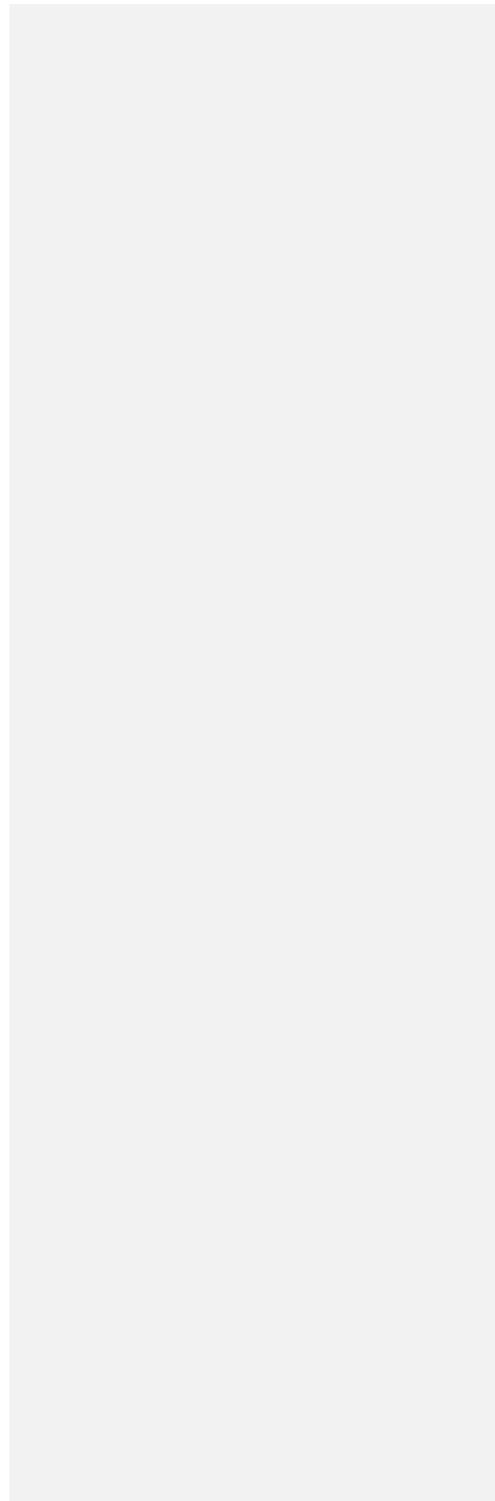
**5.16 Table I - Classification of Wastewater Treatment Facilities – Point Values**

Assign points for every item that applies:

<u>Item</u>	<u>Points</u>
<b>Size</b>	
Maximum population equivalent (P.E.) served (peak days)	1 pt. per 10,000 P.E. or part. <small>(Max. 10 Points)</small>
Design flow (avg. day) or peak month's flow (avg. day), whichever is larger.....	1 pt. per MGD or Part. <small>(Max. 10 Points)</small>
<b>Effluent Discharge</b>	
Receiving stream (sensitivity).....	1-6* _____
Land disposal-evaporation.....	2 _____
Subsurface disposal.....	4 _____
Variation in Raw Wastes (slight to extreme).....	0-6* _____
<b>Preliminary Treatment</b>	
Flow equalization.....	3 _____
Screening comminution.....	3 _____
Grit removal.....	3 _____
Plant pumping of main flow.....	3 _____
<b>Primary Treatment</b>	
Primary clarifiers.....	5 _____
Combined sedimentation/digestion.....	5 _____
Chemical addition (except chlorine, enzymes).....	4 _____
<b>Secondary Treatment</b>	
Trickling filter w/sec. clarifiers.....	10 _____
Activated sludge w/sec. clarifiers..... (including ext. aeration and oxidation ditches with or without sand filters)	15 _____
Rotating Biological Contactors.....	10 _____
Stabilization ponds without aeration.....	5 _____
Aerated lagoon.....	8 _____
<b>Advanced Waste Treatment</b>	
Polishing pond.....	2 _____
Chemical/physical-without secondary.....	15 _____
Chemical/physical - following secondary.....	10 _____
Biological or Chemical/biological.....	12 _____
Ion exchange.....	10 _____
Reverse osmosis, electrodialysis.....	15 _____
Chemical recovery carbon regeneration.....	4 _____
Microstrainers.....	4 _____
<b>Solids Handling</b>	
Thickening.....	5 _____
Anaerobic digestion.....	10 _____
Aerobic digestion.....	6 _____
Mechanical dewatering.....	8 _____
Evaporative sludge drying.....	2 _____
Solids reduction (incineration, wet oxidation).....	12 _____
Sludge composting.....	5 _____
<b>Disinfection</b>	
Chlorination or comparable.....	5 _____
On-site generation of disinfectant.....	5 _____
Dechlorination.....	5 _____
Ultra-violet.....	5 _____
<b>Laboratory Control by plant personnel</b>	
Bacteriological (complexity).....	0-10* _____
Chemical/physical (complexity).....	0-10* _____
<b>FINAL TOTAL</b> .....	_____

\* See attached Variable Point Guide, Table II

\*\* If unique treatment plant conditions distort the point total, the certification board will adjust the facility classification.



## 5.17 Table II – Wastewater Treatment Plant Classification – Variable Point Guide

### EFFLUENT DISCHARGE

#### *Receiving stream sensitivity (1-6)*

The key concept is the degree of dilution provided under low flow conditions. Suggested point values are:

"Effluent limited segment" in EPA terminology; secondary treatment is adequate:	1
More than secondary treatment is required	2
"Water quality limited segment" in EPA terminology; stream conditions are very critical (dry run, for example) and a very high degree of treatment is required	3
Effluent used in a direct recycle and reuse system	6

#### *Variation in Raw Wastes, slight to extreme (0-6)*

The key concept is frequency and/or intensity of deviation or typical fluctuations; such deviation can be in terms of strength, toxicity, shock loads, I/I, etc. Suggested point values are:

Variations do not exceed those normally or typically expected	0
Recurring deviations or excessive variations of 100 to 200 percent in strength and/or flow	2
Recurring deviations or excessive variations of more than 200 percent in strength and/or flow	4
Raw wastes subject to toxic waste discharges	6

### LABORATORY CONTROL BY PLANT PERSONNEL

#### *Bacteriological/biological, complexity 0-10*

The key concept is to credit bacteriological/biological lab work done on-site by plant personnel. Suggested point values are:

Lab work done outside the plant	0
Membrane filter procedure	3
Use of Fermentation tubes or any dilution method: fecal coliform determination	5
Biological identification	7
Virus studies or similarly complex work conduct on-site	10

#### *Chemical/physical, complexity (0-10)*

The key concept is to credit chemical/physical lab work done on-site by plant personnel. Suggested point values are:

Lab work done outside the plant	0
Push-button or visual methods for simple tests such as pH, Settleable solids	up to 5
More advanced determinations such as specific constituents: nutrients, total oils, phenols, etc.	up to 7
Highly sophisticated instrumentation such as atomic absorption and gas chromatography	10

Range of Points	30 and less.	31 - 55	56 - 75	76 and greater.
Resulting Facility Grade	1	2	3	4

		Willful Actions: Practicing fraud or deception	Actions related to accidents or negligence
OPERATIONAL / MANAGERIAL ERRORS	Resulted in Violations of RIPDES Permit	<i>Revocation (Permanent)</i>	<i>Suspension or Revocation</i>
	Does Not Result in Violations of RIPDES Permit	<i>Letter of Reprimand or Suspension</i>	<i>Letter of Reprimand</i>
REPORTING ERRORS	Self-Monitoring Reports	<i>Suspension or Revocation</i>	<i>Letter of Reprimand or Suspension</i>
	Internal Reporting (Operational logs, etc.)	<i>Letter of Reprimand or Suspension</i>	<i>Letter of Reprimand</i>
LICENSURE	Applications to the Board	<i>Revocation (Permanent)</i>	<i>Letter of Reprimand or Suspension</i>
	Other	<i>Letter of Reprimand or Suspension or Revocation</i>	