

## Administrative Procedures Act Rules

### Title 11: Mississippi Department of Environmental Quality

#### Part 4: Nonhazardous Solid Waste Management Regulations

#### Part 4, Chapter 8: Mississippi Commission on Environmental Quality Regulations For The Certification Of Operators of Solid Waste Disposal Facilities

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#### *Rule 8.1 General Information.*

- A. These regulations are promulgated under the authority provided by the Miss. Code Ann. Section 21-27-207.
- B. The Miss. Code Ann. Section 21-27-211 and the Mississippi Nonhazardous Solid Waste Management Regulations require that all commercial solid waste landfills and class I rubbish sites must employ a certified operator. Any person designated by the landfill or class I rubbish site owner as the person having direct supervision over and personal responsibility for the daily operation of the landfill or rubbish site must apply for and obtain operator certification under the conditions contained in these regulations.
- C. Certificates shall be valid for three (3) years, unless revoked or invalidated by the Commission for just cause.

Source: Miss. Code Ann. §§ 17-17-1, et seq. 17-17-201, et seq., 21-27-201, et seq., 49-2-9(1)(b), 49-17-17(i), 49-2-1, et seq., and 49-17-1, et seq.

*Rule 8.2 Definitions.* The definitions provided in this section are for the purposes of these regulations. All other relevant terms for which no definition is provided in these regulations shall be used as defined by the Mississippi Nonhazardous Solid Waste Management Regulations.

- A. “Certificate” means the written certification of competency issued by the Commission stating that the operator of a landfill or class I rubbish site has met the requirements for the specified operator classification.
- B. “Commercial Class I rubbish site” means a permitted rubbish site, which accepts for disposal Class I rubbish, as defined by the Commission, for compensation or from more than one (1) generator.
- C. “Commercial nonhazardous solid waste management facility” means any facility engaged in the storage, treatment, processing or disposal of nonhazardous solid waste for compensation or which accepts nonhazardous solid waste from more than (1) generator not owned by the facility owner.
- D. “Commission” means the Mississippi Commission on Environmental Quality.
- E. “Department” means the Mississippi Department of Environmental Quality.
- F. “Experience” means direct observation of and/or participation in the operation and maintenance of a commercial nonhazardous solid waste management facility or other relevant work activities as determined by the Department.
- G. “Operator” means the person who directly supervises and is personally responsible for the daily operation and maintenance of a commercial nonhazardous solid waste management facility.
- H. “Rubbish” means nonputrescible solid wastes (excluding ashes) consisting of both combustible and noncombustible wastes. Combustible rubbish includes paper, rags, cartons, wood, furniture, rubber, and plastics, yard trimmings, leaves and similar material. Noncombustible rubbish includes glass, crockery, metal cans, metal furniture and like material which will not burn at ordinary incinerator temperatures (not less than 1600 degrees F.)
- I. “Rubbish site” means, for the purposes of these regulations, a commercial class I rubbish site.

Source: Miss. Code Ann. §§ 17-17-1, et seq. 17-17-201, et seq., 21-27-201, et seq., 49-2-9(1)(b), 49-17-17(i), 49-2-1, et seq., and 49-17-1, et seq.

*Rule 8.3 Certification Requirements.*

A. Qualifications for Commercial Solid Waste Landfill Operator Certification

- (1) An applicant may receive a certificate of competency as a Commercial Landfill Operator from the Commission if the applicant is a graduate of an accredited high school or an equivalent (GED) program, has at least five (5) years of experience in landfill operation, and has passed a Commission approved written examination pursuant to paragraph E.1 of this rule. An applicant may receive credit from the Department for experience and education as follows:
  - (a) An applicant seeking commercial landfill operator certification under paragraph A.1 of Rule 8.3 who has completed additional years of education beyond a high school diploma or GED may receive partial credit for deficiencies in their experience, not to exceed three (3) years per degree completed. Such education should be in the field of engineering or engineering technology, biology, chemistry, geology, physics or other natural sciences. Other degrees may be considered based upon the curriculum's applicability to landfill operations as determined by the Department.
  - (b) An applicant seeking commercial landfill operator certification under paragraph A.1 of Rule 8.3 that has obtained comparable work experience in areas that are not directly related to landfill operations, may request that the Department review and consider such work experience to account for up to three (3) years of credit for required work experience. Comparable work experience could include work in other areas of solid waste management, work with other types of pollution control technology, work with equipment commonly used in landfill operations, or other similar work activities. The relevance of such experience as well as the amount of credit the applicant may receive shall be determined by the Department on a case by case basis, based upon the comparability to skills used in landfill operations.
  - (c) In no case, shall the applicant be considered for certification with less than one year of direct experience in landfill operations.
- (2) An applicant that is seeking certification to operate a commercial non-municipal solid waste landfill may request that the Department allow the applicant to seek certification under Rule 8.3(B)(1)(a) of these regulations where the affected landfill operations are more comparable to a rubbish site.

B. Qualifications for Commercial Class I Rubbish Site Operator Certification

- (1) An applicant may receive a certificate of competency as a Class I Rubbish Site Operator from the Commission if:

- (a) the applicant is a graduate of an accredited high school or has obtained an equivalent (GED), has at least one (1) year of experience in the operation of a rubbish site or other comparable disposal site, and has passed a Commission approved written examination pursuant to paragraph E.1 of Rule 8.3.
  - (b) the applicant currently holds a valid certificate of competency as a Commercial Solid Waste Landfill Operator and has passed the Rubbish Site Operator Examination pursuant to paragraph E.1 of this rule.
  - (c) the applicant is the operator of an existing class I rubbish site in Mississippi open and receiving waste on June 30, 2005. Such certification shall be valid only until June 30, 2006 and only for operating the facility at which he/she was employed on June 30, 2005, and shall not be renewable.
  - (d) the applicant is the operator of a new commercial class I rubbish site expected to open in Mississippi prior to the Commission's initial examination date, provided that the person has graduated from an accredited high school or equivalent (GED) program, and has at least one (1) year of experience operating a rubbish site. Such certification shall only be valid until June 30, 2006 and shall not be renewable.
- (2) An applicant may receive credit for the experience and educational requirements of paragraph B.1.(a) as follows:
- (a) An applicant seeking class I rubbish site operator certification under paragraph B.1 of this rule who has completed additional years of education beyond a high school diploma or GED may receive up to 6 months of credit for deficiencies in their work experience. The award of such credit will be based upon the applicability of the curriculum to solid waste disposal operations as determined by the Department.
  - (b) An applicant seeking class I rubbish site operator certification under paragraph B.1 of Rule 8.3 that has obtained comparable work experience in areas that are not directly related to rubbish site operations, may request that the Department review and consider such work experience to account for up to one (1) year of credit for required work experience. The relevance of such experience as well as the amount of credit the applicant may receive shall be determined by the Department on a case by case basis, based upon the comparability to skills used in rubbish site operations.
- (3) Only one (1) operator per facility may be certified under paragraphs B(1)(c) or (d) of Rule 8.3.

C. Terms of Certification. A certificate of competency issued by the Commission under these regulations shall be valid for three (3) years, unless otherwise revoked or invalidated for just cause.

D. Application for Certification

- (1) An applicant seeking certification shall submit an application to the Department on a form provided by the Department for review and determination of eligibility.
- (2) The Commission shall issue certificates of competency when the applicant meets the minimum qualifications and requirements of these regulations.
- (3) The Commission may deny an application if the applicant has not complied with all the provisions of these regulations and with all other applicable Federal, State, and local statutes and regulations or has submitted inaccurate or false information in the application, or has submitted incomplete application forms after being notified in writing by the Department that the application is incomplete. The Commission shall make a determination regarding issuance or denial of the certificate based upon the information contained in the application, the applicant's actions during any prior term of certification, and any other pertinent information that is available to the Commission.

E. Examinations

- (1) An applicant must pass a written examination developed, prepared, and given by the Commission, or developed, prepared, and given by another organization that is approved by the Commission.
- (2) An applicant who fails to pass an examination may repeat the examination at the next regularly scheduled examination date.
- (3) Examination papers will not be returned to the applicant.
- (4) An applicant who fails to pass an examination given by the Commission may review his/her examination by submitting a written request to the Department within thirty (30) days following notification of the exam grade. An applicant who fails an exam administered by a Commission approved organization is subject to the guidelines of that organization.

Source: Miss. Code Ann. §§ 17-17-1, *et seq.* 17-17-201, *et seq.*, 21-27-201, *et seq.*, 49-2-9(1)(b), 49-17-17(i), 49-2-1, *et seq.*, and 49-17-1, *et seq.*

*Rule 8.4 Renewal of Certificates.*

A. Eligibility for Renewal/Recertification

- (1) A certificate of competency issued under Rules 8.3(A) and (B)(1)(a) and B. of these regulations may be renewed. Such renewal may be made without examination, provided that a renewal application is submitted prior to the expiration of the existing certificate. The renewal application must be accompanied by proof of completion of the continuing education requirements described in Rules 8.3(B) of these regulations.
- (2) Certified operators who submit renewal applications more than sixty (60) days after the expiration of their certificate will be required to pass the written examination as described in Rule 8.3(E) of these regulations in order to be eligible for re-certification.

B. Continuing Education Requirements

- (1) In order for a certificate of competency to be renewed under Rule 8.4 of these regulations, commercial solid waste landfill operators must earn at least forty-eight (48) hours of continuing education during the period in which the current certificate is valid. Those operators who have been certified for at least three (3) consecutive terms (or nine (9) years) must earn at least thirty (30) hours of continuing education during the period in which the current certificate is valid.
- (2) In order for a certificate of competency to be renewed under Rule 8.4 of these regulations, commercial class I rubbish site operators must earn at least twenty-four (24) hours of continuing education during the period in which the current certificate is valid. Those operators who have been certified for at least three (3) consecutive terms (or nine (9) years) must earn at least sixteen (16) hours of continuous education during the period in which the current certificate is valid.
- (3) Class I Rubbish Site Operators certified under Rule 8.3(B)(1)(b) of these regulations must earn at least eight (8) hours of continuing education specific to rubbish site operations during the period in which his or her certification is valid.
- (4) Continuing Education requirements may be satisfied by attending Department-sponsored training sessions, Solid Waste Association of North America (SWANA)-sponsored technical programs, or by obtaining comparable training approved by the Department. Continuing education credit will generally be given as follows:
  - (a) one (1) hour of Department-sponsored training shall be equivalent to one (1) hour of continuing education, not to exceed ten (10) hours per day.

- (b) one (1) hour of a related SWANA-sponsored technical program shall be equivalent to one (1) hour of continuing education not to exceed ten (10) hours per day.
  - (c) attending one (1) week long related SWANA-sponsored course, or other course(s) determined by the Department to be equivalent in scope and duration, shall be equivalent to forty (40) hours of continuing education.
  - (d) special schools, experience, training, correspondence courses, etc., may be approved at the discretion of the Department.
- (5) The Department reserves the right to reduce the number of hours of continuing education units granted or determine how much credit will be given for courses where the content, or portions of, is determined to be unrelated to landfill or rubbish site operations. The Department will review the course content to determine how much, if any, credit will be given to the operator for attendance.

Source: Miss. Code Ann. §§ 17-17-1, *et seq.*, 17-17-201, *et seq.*, 21-27-201, *et seq.*, 49-2-9(1)(b), 49-17-17(i), 49-2-1, *et seq.*, and 49-17-1, *et seq.*

*Rule 8.5 Revocation or Suspension of Certificates*

- A. The Commission may revoke or suspend the certificate of an operator, following a hearing before the Commission, when it is found that the operator:
- (1) has practiced fraud or deception,
  - (2) fails to use reasonable care, judgment, and/or apply knowledge in the performance of duties,
  - (3) is incompetent or unable to properly perform duties,
  - (4) knowingly submits false or inaccurate information for issuance or renewal of a certificate under these regulations,
  - (5) willfully fails to comply with the conditions of the certificate issued by the Department, or
  - (6) violates any provision of any applicable state or federal law, regulation, or permit condition.
- B. In the event the Commission suspends the certificate of an operator, the Commission may as a part of the suspension, require the operator to comply with all applicable laws and

regulations, to obtain additional continuing education and/or to complete other actions as required by the Commission. Failure to comply with the terms of the suspension may result in revocation of the operator's certificate.

Source: Miss. Code Ann. §§ 17-17-1, *et seq.*, 17-17-201, *et seq.*, 21-27-201, *et seq.*, 49-2-9(1)(b), 49-17-17(i), 49-2-1, *et seq.*, and 49-17-1, *et seq.*

*Rule 8.6 Reciprocity.*

- A. Certificates of competency may be issued, without examination, to an operator who holds a current, valid certificate from another state or a private company that has entered into a reciprocity agreement with the Commission.
- B. Reciprocity agreements may be established if the Commission determines that the certification and training program of another state or a private company meets or exceeds that of the Commission's.

Source: Miss. Code Ann. §§ 17-17-1, *et seq.*, 17-17-201, *et seq.*, 21-27-201, *et seq.*, 49-2-9(1)(b), 49-17-17(i), 49-2-1, *et seq.*, and 49-17-1, *et seq.*

*Rule 8.7 Enforcement And Appeals.* Enforcement and appeals shall be in accordance with the Sections 21-27-201 through 21-27-221 of the Mississippi Code Annotated.

Source: Miss. Code Ann. §§ 17-17-1, *et seq.*, 17-17-201, *et seq.*, 21-27-201, *et seq.*, 49-2-9(1)(b), 49-17-17(i), 49-2-1, *et seq.*, and 49-17-1, *et seq.*